EXHIBIT M

HAYSE v. CITY OF MELVINDALE, ET AL.

CHAD LAWSON HAYSE

February 12, 2018

Prepared for you by

US Legal Support

The Power of Commitment.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHAD HAYSE,
Plaintiff,
-vs- Case No.: 17-cv-13294
CITY OF MELVINDALE, a political Hon. Linda V. Parker
Subdivision of the State; Mag. Elizabeth A. Stafford
MELVINDALE CITY COUNCIL, a legislative body of the City of Melvindale; NICOLE BARNES, WHEELER MARSEE, MICHELLE SAID LAND, DAVE CYBULSKI, CARL LOUVET, and STEVEN DENSMORE, individuals, sued in their official and personal capacities,
Defendants.
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~/

DEPONENT: CHAD LAWSON HAYSE
DATE: Monday, February 12, 2018
TIME: 9:36 a.m.
LOCATION: Foley & Mansfield, PLLP
130 E. Nine Mile Road
Ferndale, Michigan

REPORTER: John J. Slatin, RPR, CSR-5180
Certified Shorthand Reporter

(Appearances listed on page 2)

APPEARANCES:

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Appearing on behalf of the Plaintiff.

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Appearing on behalf of the Defendants.

(Appearances continued on page 3)

APPEARANCES (Continued):

LAWRENCE J. COOGAN (P42433)
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Appearing as co-counsel on behalf of the Defendants.

ALSO PRESENT: Richard Ortiz

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EXHIBITS (Continued): IDENTIFIED

Exhibit	Description	Identified
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Monday, February 12, 2018
Ferndale, Michigan
9:36 a.m.

* * *

(Parties Present as indicated.
Mr. Coogan and Mr. Ortiz are
not present.)

* * *

CHAD LAWSON HAYSE,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. BALIAN:
Q. Okay. Mr. Hayse, we've met now a couple of times.
My name is Melinda Balian, and I represent the Defendants in this case.
MS. BALIAN: Let the record reflect that this deposition is taken pursuant to Notice. It will be used for all purposes under the Federal Court Rules and Rules of Evidence.
BY MS. BALIAN:
Q. What's your full name, sir?
A. Chad Lawson Hayse.
Q. Have you ever gone by any other name?
A. No.

Q. Okay. Have you been involved in any other litigation before?
A. Yes.
Q. What was that?
A. I've been divorced. I was a subject -- a party, a plaintiff, on a couple of civil suits, and I've been a defendant in a couple of City suits -- a couple of suits in conjunction with my employment with the City.
Q. With the City of Melvindale?
A. Yes.
Q. Okay. What court were your divorces out of?
A. Wayne County, Third Circuit.
Q. Okay. Other than your removal hearing, have you testified before under oath?
A. In court or at a deposition?
Q. Anything.
Arbitration? Deposition?
A. Yes.
Q. Okay. And what were those for?
A. The lawsuits that I had mentioned.
Q. For Melvindale?
A. Yes.
Q. Okay. What lawsuits were those?
Do you remember the names?
A. No, I don't.

Q. Do you remember what court they were in?
A. One was in federal court.
Q. Eastern District Federal Court, I assume?
A. Yes.
Q. Okay.
A. And the only other case I can recall was in Wayne County, Third Circuit Court.
Q. Okay. Do you have any other pending claims now anywhere? Any other pending lawsuits now?
A. No.
(Outside interruption; discussion held off the record.)
(Record repeated by the reporter.)
BY MS. BALIAN:
Q. And did you say that you were also involved in depositions?
A. Yes.
Q. And were the depositions for those lawsuits having to do with the City of Melvindale and your employment?
A. Yes.
Q. Were you involved in any other depositions?
A. Yeah . I believe one deposition I did was for a wrongful death that occurred in the city, but I don't believe the City was a subject of that lawsuit.
Q. Okay. What's your date of birth, sir?

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A. October 29th, 1967.
Q. How old does that make you?
A. Fifty.
Q. Okay. And your current address?
A. 17457 Sunny Crest Drive in Brownstown, 48174.
Q. How long have you lived at that address?
A. Since 2012.
Q. Do you own any other property?
A. No, I don't.
Q. Do you have an ownership interest in any other property?
A. No.
Q. What cell phone number did you have when you were working as the chief in Melvindale?
A. (313) 218-9219.
Q. Is that the same cell phone number you have now?
A. It is.
Q. Do you use any other cell phones?
A. On occasion I will use my wife's, but primarily just my own.
Q. Okay. Did you review any documents to prepare for today?
A. I did.
Q. What did you review?
A. I'm sorry?
Q. What did you review?

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A. I reviewed a copy of the filing of this lawsuit.
Q. A copy of the Complaint?
A. Yes.
Q. Okay. Anything else?
A. Just some notes that I had written.
Q. What notes?
A. What's that?
Q. What notes?
MS. GORDON: If it involved stuff you gave to us, don't -- or prepared for counsel, don't answer.
BY MS. BALIAN:
Q. Well, you can answer --
MS. GORDON: Hang on. Let me find out.
(Discussion held off the record.)
BY MS. BALIAN:
Q. Let me ask you this: Have you provided those notes to your counsel?
A. Yes.
Q. Okay. Have you reviewed anything else?
A. No.
Q. Okay. Did you speak with anybody to prepare for today other than your counsel?
A. No.
Q. And you're currently married?
A. I am.

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Q. To whom?
A. Melinda Hayse, H-a-y-s-e.
Q. Great name.
A. I agree.
I think she would, too.
Q. How long have you been married?
A. Since 2012.
Q. And does she work?
A. She does.
Q. Where does she work?
A. She works for the 24th District Court in Allen Park.
Q. How long has she worked there; if you know?
A. Nineteen years, I believe, last month.
Q. Do you currently have benefits through her?
A. Yes.
Q. How long have you had benefits through her?
A. They've been available since we got married in 2012. I believe I started using her healthcare in 2013.
Q. Okay. Did you ever have vision or any sort of healthcare benefits through the City of Melvindale?
A. Yes.
Q. What?
A. I had healthcare, vision care, dental, optical.
Q. But when you got married, you started taking them through your wife in 2013?

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A. Correct.
Q. Okay. And who lives with you at your home other than your wife?
A. Nobody.
Q. Do you have children?
A. Yes.
Q. How many?
A. I have five. My wife has one.
Q. What are the ages of your children?
A. Let me see.
Twenty-four, 22, 20, 20, 18. And my stepson is 25.
Q. And you've been previously married?
A. Yes.
Q. Once?
A. Yes.
Q. Not more than once?
A. I'm sorry?
Q. Not more than once?
A. Just one prior.
Q. Okay. When did you graduate high school?
A. 1985.
Q. Where?
A. Dearborn.
Q. Did you go on to college?
A. I did.

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Q. Where?
A. I started at the University of Detroit in '85, and then I transferred to Henry Ford Community College in '86.
Q. What type of degree did you earn?
A. From U of D, I did not get a degree.
From Henry Ford, I have an associate's degree in criminal justice.
Q. When did you get that?
A. I believe it was '89.
Q. Any other degrees?
A. Yes. I have a bachelor's degree in criminal justice from Mountain State University.
Q. Okay. Is that online, or was that -- where is Mountain State University?
A. Beckley, West Virginia.
Q. Did you go to school there or was it obtained online?
A. It was online.
Q. Okay. When was that?
A. Oh, wow.
20- -- and I'm going to guess 2004 or 2005.
Q. Any other degree?
A. No degrees.
I have a certificate from Northwestern University for Police School Of Staff and Command. It was in 2006. And a certificate from the FBI national academy in 2012.

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Q. And what was it? The Northwestern what?
A. Police School of Staff and Command.
Q. And was that in Michigan?
A. Yes.
Q. Okay. It was -- they were located here in Michigan and a school that you attended here?
A. Yes.
Q. Okay. Your first job in law enforcement was with the City of Melvindale; correct?
A. Yes.
Q. And that was in -- you were hired in 1991?
A. Correct.
Q. Can you just go through a brief chronology of the positions that you held with the Melvindale Police Department?
A. Sure.
In '91, I was hired and sent to the police academy. I graduated the police academy in '91, started road patrol in December of '91. Promoted to sergeant, I believe, in October of '99.
Q. Did you have to take an exam?
A. Yes.
Q. Is that --
A. Written and oral.
Q. And is that per the union contract? You have to take

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the exam in order to get the promotion to sergeant?
A. Yes.
Q. Okay. You said that was '99?
A. I believe that was October of '99.
Q. Okay. Go ahead.
A. I was promoted to lieutenant in '04, I believe it was.
That's also a written examination.
Q. Per the union contract?
A. Yes.
Q. Okay.
A. And then promoted to chief in -- interim chief in 2012 and then chief in 2012.
Q. Okay.
A. Those are not tested for.
Q. Because it's appointed?
A. Yes.
Q. Okay. When you were lieutenant, what are some of the responsibilities of a lieutenant?
A. I was assigned to the detective bureau. So, I oversaw the detectives in the detective bureau.
Q. Okay.
A. There are other lieutenant positions within the department, but I didn't have that position.
Q. Do you discipline employees as a lieutenant?
A. You can discipline employees.

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Generally speaking, you request discipline through the chief's office.
Q. So, you can suggest what a recommendation is or not?
A. You can.
If there's something more of an emergency nature, you can take action but for the most part the discipline comes from the chief.
Q. Did you ever discipline employees as a lieutenant?
A. Not that I recall.
Q. What about as a sergeant?
Does a sergeant discipline employees?
A. They can.
I don't believe I requested discipline -- I don't believe any discipline was given out. When I was a sergeant, I did request some discipline for an officer.
Q. When you say you "requested" it, you requested it of the chief?
A. Yes.
Q. Okay. So, you can say in your career you would request it of the chief but you never handed out any discipline as a sergeant or a lieutenant?
A. Not that I recall, no.
Q. Okay. As a chief, did you discipline employees?
A. Yes.
Q. Okay. How often?

A. **I was a chief for a little over four years.**
I would say once or twice a year.
Q. Okay. How often would you say throughout your career did you have to suspend an employee?
A. **Twice, I believe.**
Q. And who was that?
A. **Matthew Furman.**
Q. He's the only employee you ever suspended?
A. **I believe so, yes.**
Q. Okay. Did you ever terminate an employee?
A. **Yes.**
Q. Who was that?
A. **I terminated two part-time ordinance officers. I don't remember their -- the one guy's name was Adam. I don't remember his last name. And then I terminated a couple of probationary police officers. I don't remember their names.**
Q. Anybody else?
A. **I don't believe so.**
Q. Once you became chief, you were no longer governed by the union contract; correct?
A. **Yes.**
Q. Did you ever serve as a union representative of any sort during your tenure with Melvindale?
A. **Yes.**

Q. When?
A. **I was on the patrol officers of the Melvindale Police Officers' Association board several times. They have four positions. I believe I've held all four at one time or another.**
Q. When you say they have four "positions," what positions are you talking about?
A. **President, vice president, secretary and treasurer.**
Q. So, what type of responsibilities would you have when you held those positions?
A. **Depending on which position it was, the president generally is the one that speaks with the chief regarding disciplinary issues with members of that collective bargaining unit. In his absence, the vice president can take over. Secretary takes the notes. Treasurer pays the bills. And all four attend any negotiating sessions with the City regarding labor contracts.**
Q. Okay. Did you ever have citizen complaints filed against you during your tenure of employment with Melvindale?
A. **Yes.**
Q. Would you agree that just because a citizen complaint is filed against a police officer, it's not necessarily true or accurate?

A. **I would.**
Q. Prior to being appointed chief, did you work various shifts?
A. **Yes.**
Q. Are there three shifts?
A. **Three plus the detective bureau.**
Q. Did the detective bureau generally work like an 8:00 to 5:00 or 9:00 to 5:00, or what was it --
A. **Generally they worked 8:30 to 4:30.**
Q. Okay.
A. **The regular day shift was 8:00 to 4:00.**
Q. What times were the other three shifts?
A. **Afternoon shift was 4:00 p.m. to midnight, and then midnight shift was midnight to 8:00 a.m.**
Q. Midnight to 8:00.
And then what do you call the other shifts?
So, there's afternoon, midnight and day shift?
A. **Days.**
Q. Which was 8:00 to 4:00; is that correct?
A. **Yes.**
Q. Okay. Were you familiar during your employment as sergeant, lieutenant, into being chief, with the Executive Order 05-01 when you were employed at Melvindale?
A. **I was not aware of that when I was a sergeant,**

lieutenant.
Q. So, you became aware of when you were a chief?
A. **I found it in a file in the chief's office.**
Q. What about through your work with your positions with the union? You were never aware of it then?
A. **No.**
Q. Okay. So, when is it you became aware of it as chief?
A. **I would guess either sometime between 2012 and 2014.**
Q. And how is it that you became aware of it?
You say you found it in a drawer.
How is it you came to find it in a drawer?
A. **I was going through some file -- a filing cabinet behind the chief's desk, and it was in a file.**
Q. What was it that you were looking for?
A. **I wasn't looking for anything in particular. I was just looking to see what was in the drawers.**
Q. Okay. What did you do with it once you found it?
A. **I left it in the drawer.**
Q. Did you think to yourself, oh, if I ever suspend an officer, I'm going to need to use this?
A. **No, I didn't.**
Q. Why?
A. **We had -- the City had issued discipline any number of times and had not used the form.**
Q. I thought you said the only officer you had suspended

was Matthew Furman?
A. Correct. I didn't mean the -- the ones that I had suspended but officers had been disciplined and the form had not been used.
(Outside interruption; discussion held off the record.)
MS. BALIAN: We're going to take a short break, I guess.
(Short recess at 9:56 a.m.)
* * *
(Record resumed at 10:02 a.m.)
(Record repeated by the reporter.)
BY MS. BALIAN:
Q. So, what suspensions were you involved in that you were aware of what was used for them?
A. I don't understand that.
Q. So, you indicate that the form had not been used for other suspensions that you were aware of?
A. Correct.
Q. So, what suspensions are you aware of where the form had not been used?
A. There were a number of officers that were suspended over the years that would have been after 2005 when that Executive Order came out that the forms weren't used. I know one specifically was, Patrick Easton was suspended,

I think for 60 days, and I don't think the form was used for that suspension.
Q. When was that?
A. I'm going to guess it was probably in 2005. Maybe 2006. I'm not positive.
Q. Anybody else?
A. That was suspended?
Q. And he was suspended without pay?
A. He was.
Q. Okay.
A. Not that I recall.
Q. Okay. In 2012, when you were first appointed, there was some sort of issue with your appointment; is that correct?
A. I believe so.
Q. Okay. And you were then, what, taken out of the job? Is that what happened?
A. I was fired.
Q. You were fired. Okay.
And then did it go for a hearing before city council?
A. No.
Q. Okay. Did it -- was there some sort of hearing?
A. No, there was not.
Q. Okay. Then what happened where you then were

reappointed?
A. The city council had an emergency meeting, and they reappointed me as an officer of the department.
Q. Okay. They had an emergency meeting?
A. Yes.
Q. What happened with that meeting?
A. They reappointed me as a police officer for the police department.
Q. Were you represented by counsel at that meeting?
A. I had several attorneys with me, yes.
Q. Okay. For what purpose?
A. I thought it was in my best interest.
Q. Did you speak at the meeting?
A. I don't believe I did.
Q. Okay. Did your attorneys talk on your behalf at the meeting?
A. Yes.
Q. Okay. Who spoke on your behalf?
A. There was a labor attorney from the POLC --
THE REPORTER: I'm sorry. "-- from the --"
A. POLC, Police Officers Labor Council, and I had two private attorneys with me. I believe one of them spoke. The last name is Gorcyca. I don't remember his first name.
BY MS. BALIAN:

Q. David Gorcyca?
A. Yes.
Q. And he spoke on your behalf as well?
A. He did.
Q. Okay. And you were reappointed to the position at that meeting?
A. No. I was rehired at that meeting. Then there was an emergency Public Safety Commission meeting where I was reappointed.
Q. Okay.
(Discussion held off the record.)
(Deposition Exhibit 1 marked for identification.)
BY MS. BALIAN:
Q. I'm showing you what was marked as Exhibit 2 --
THE REPORTER: I'm sorry --
BY MS. BALIAN:
Q. Exhibit 1. Sorry.
Have you ever seen this document before?
MS. GORDON: That's Number 1.
A. I believe I have, yes.
BY MS. BALIAN:
Q. Okay. And it shows in the second paragraph that your annual salary is $77,910.56.
Was that correct back in 2012?

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A. Yes.
Q. Okay. What was your salary at the time of your removal in 2016? Do you remember?
A. Same number.
Q. Same number.
If there was any sort of an increase in the salary, did it have to be approved by city council?
A. I believe so, yes.
Q. What other benefits did you have or what benefits did you have to go along with salary?
A. They would have been listed in the Schedule A document with the City.
(Deposition Exhibit 2 marked for identification.)
MS. BALIAN: I have an extra one.
MS. GORDON: That's all right.
BY MS. BALIAN:
Q. Is this the "Schedule A" that you were speaking of?
A. I believe so. This would be one of them.
Schedule A was changed while I was chief, so there should be a second one.
Q. At the top it says, "For Employees Hired Before 1-1-2016."
So you think there's another one?
A. I believe this is the original one. I believe they

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changed Schedule A benefits in 2015 or 2016. I don't remember which year it was.
Q. Okay. So, if you don't believe this is it, then why don't you tell me what you believe your benefits were?
Did you have a pension?
A. Yes.
Q. Okay. When you were removed, did you take out a payout of a retirement of any kind?
A. No.
Q. And you already have your medical through your wife.
So, anything else? Any other benefits that you had through the City?
A. Yes.
Q. What?
A. Because I didn't take the healthcare, I received $300 a month not to take the healthcare. The group life insurance, I don't have that anymore. Vacation time, holidays, sick time, personal time, the ability to increase my pension, longevity pay.
Q. How much did you receive in longevity pay?
A. Should be, I believe, $1,000 annually.
Clothing allowance, gun allowance. I was not given my weapon when I left. I don't have retired ID.
Q. If officers are removed from their position, are their weapons typically taken?

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A. I don't know. I don't recall it ever happening.
MS. GORDON: Is there a question?
MS. BALIAN: I was waiting for him to explain the rest of his benefits that he --
MS. GORDON: Okay. Well, you had asked another question. He went through his benefits.
Do you want him to go back to that document?
BY MS. BALIAN:
Q. Were there any other benefits?
A. I believe this document also references other City labor agreements. If any of the other unions in the City receive a benefit, then under Schedule A, prior to the change, the chief would receive those benefits as well.
Q. Where do you see that?
What are you referring to?
A. The first line under "Police Chief":
"The administrative/appointee staff shall receive those benefits --"
THE REPORTER: Excuse me? Sorry.
A. (Reading.)
"The administrative/appointee staff shall receive those benefits listed hereafter as provided or those provided to city employees via the staff and command union contract, whichever is greater."

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BY MS. BALIAN:
Q. "Whichever is greater."
So, if they're greater in this document, then you're going to receive these, but if they're greater in the union contract, then you're going to receive those?
A. Correct.
Q. It that you're understanding?
A. That is my understanding.
Q. Okay. Anything else?
Any other benefits that you know of?
A. Use of the city vehicle.
Q. Anything else?
A. Not that I recall at this time, no.
Q. Okay.
(Deposition Exhibit 3 marked for identification.)
BY MS. BALIAN:
Q. I'm showing you what has been marked as Exhibit 3.
Do you recognize that as the City of Melvindale "Charter"?
A. It appears to be, yes.
Q. Are you familiar with the Charter?
A. Some of it, yes.
Q. What are you familiar with?
MS. GORDON: It's too broad a question for him to

answer.
MS. BALIAN: Well, he's saying he's --
MS. GORDON: It's a lengthy document.
MS. BALIAN: He's saying he's familiar with some of it.
MS. GORDON: Right.
MS. BALIAN: So, I want to know what part of it he's familiar with.
MS. GORDON: Take your time, Chad, if you can go through it or if you recall.
A. I've read some of the sections of the contract in the past.
I'm sorry.
Of the Charter in the past.
BY MS. BALIAN:
Q. Are you familiar with the portion of it that covers what your duties are?
A. I read that, yeah.
Q. Okay. Do you agree that the Charter indicates -- well if you refer to page 29?
MS. GORDON: What part? Section 6 or --
BY MS. BALIAN:
Q. Under the "Duties" listed at the bottom.
MS. GORDON: 6(b), for the record.
MS. BALIAN: That's correct.

BY MS. BALIAN:
Q. Under "Chief of Police Department," and it says:
"The Chief of the Police Department shall perform such duties as prescribed by law, this Charter, Ordinances of the City of Melvindale, and such rules and regulations as shall be put into effect by the Commission of Public Safety."
MS. GORDON: What's the question?
BY MS. BALIAN:
Q. Do you understand that, or do you agree --
MS. GORDON: We agree that the document --
BY MS. BALIAN:
Q. -- that that's what it said?
MS. GORDON: We stipulate the document speaks for itself and it says that.
BY MS. BALIAN:
Q. Did you understand that those were your duties when you were the chief of police?
A. Yes.
Q. If you go to page 28, and if you refer to Chapter 20, were you familiar with this portion that covers the Commission of Public Safety when you were the chief of police?
A. Yes.
Q. Do you agree that the language in that section does not

give specific authority to the Public Safety to remove appointed officials?
MS. GORDON: That could call for a legal conclusion.
Objection.
BY MS. BALIAN:
Q. I'm just asking if there's any wording in there that says that they have authority to remove --
MS. GORDON: Well, the document speaks for itself. There's no reason to ask about the wording.
BY MS. BALIAN:
Q. You can answer the question.
A. I'm sorry. What was the question?
Q. Is there any language in that section that gives authority to the Public Safety Commission to remove appointed officials?
A. I would say under Section 5, letter (a), that they could remove members of the department.
Q. Where does it say that?
A. (Reading.)
"It shall possess and exercise fully all the powers and perform all the duties pertaining to the government management, maintenance and direction of the police and fire departments of the City --"

Q. Okay. So, that's your reading of the paragraph?
MS. GORDON: Well, obviously.
A. That's what you asked.
BY MS. BALIAN:
Q. I asked does it say that they can remove appointed officials.
MS. GORDON: Okay. You asked him a question. I think he answered it, Melinda. I mean, as I said before --
MS. BALIAN: I'd rather have him answer --
MS. GORDON: -- the document speaks for itself.
MS. BALIAN: -- and not his attorney.
MS. GORDON: He just answered it. He said yes.
BY MS. BALIAN:
Q. Does that language give them specific authority for removal?
A. Yes.
Q. Okay. Well, why don't we go to page 18?
A. Same document?
Q. Yes.
Chapter 13, Section A, would you agree says, "Appointed Officials: Who may be removed and causes for removal," and the first sentence says, if you agree, that:
"The council may remove from office any

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appointive official of the City for any of the following causes --"
And then it lists a number of things underneath?
MS. GORDON: We agree it says that. It's on the page.
BY MS. BALIAN:
Q. Do you agree, Mr. Hayse, that that's what it says?
MS. GORDON: Okay. I just --
MS. BALIAN: Can you let your client answer, please?
MS. GORDON: It's -- you know, the document speaks for itself. You just read the words properly.
Agree, Chad?
A. It says that.
MS. GORDON: Okay.
BY MS. BALIAN:
Q. Okay. It doesn't say "the Public Safety Commission"; correct? It says "The council"?
MS. GORDON: With regard to what? "Appointive official"?
BY MS. BALIAN:
Q. Do you see where it says that under Section 1?
MS. GORDON: Listen, we don't want to argue about what the document says. We've stipulated to what it says. There's no point in arguing with him about the

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words on the page.
BY MS. BALIAN:
Q. Do you agree that the city council had authority to remove you?
A. No.
Q. Why?
A. I was not appointed by city council. I was appointed by the Public Safety Commission.
Q. Okay. Does it say under this section that the Public Safety Commission -- or, I'm sorry.
Does it say under this section that the city council had to appoint you in order to have authority to remove you?
A. It does not.
(Deposition Exhibit 4 marked for identification.)
BY MS. BALIAN:
Q. I'm showing you what has been marked as Exhibit Number 4.
Do you recognize this as the "Complaint --" the original "Complaint for Removal"?
MS. GORDON: I'd note for the record the printout is --
MS. BALIAN: I know.
MS. GORDON: -- not good, and it's hard to read.

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MS. BALIAN: I'm sorry for that.
A. I recognize the document, yes.
BY MS. BALIAN:
Q. And this it dated August 3rd, 2016; is that correct?
A. Yes.
Q. Was this provided to you at the city council meeting on August 3rd of 2016?
A. Yes.
I'm sorry. What was the date?
Q. August 3rd.
A. I'm not sure of the date. It was in that time frame.
Q. Was it provided to you during the closed session of that city council meeting or the open session?
A. I'm not sure.
I think it was during the closed session portion of that but I'm not positive.
Q. How was it provided to you?
A. Handed to me.
Q. By whom?
A. I believe Nicole Barnes gave it to me.
Q. Did you discuss it?
A. I don't believe so.
Q. During the closed session?
A. I don't -- I don't believe so.
Q. During the meeting, which I believe the record will

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reflect was on August 3rd but you're indicating, if not, it was somewhere around that time frame, was there a majority vote to suspend you with pay?
A. I believe so.
Q. Have you destroyed any information or documentation, whether inadvertently or otherwise, that may be relevant to this litigation?
A. Not that I know of, no.
Q. Have you had any contact with any police department employees since being removed?
A. Yes.
Q. Who?
A. Nick and Amber Martinez.
THE REPORTER: I'm sorry?
A. Nick and Amber Martinez. They live across the street from me.
I believe she is currently assigned to the detective bureau, and I believe Nick is a sergeant assigned to the midnight shift.
BY MS. BALIAN:
Q. Have you talked about this litigation?
A. Only insofar as they asked me if the lawsuit had been filed.
Q. And when was that discussion?
A. Prior to the lawsuit being filed.

Q. And you haven't talked with them since?
A. No, I've talked to them. I talked to Amber on either Saturday or Sunday.
Q. But you haven't talked about the litigation?
A. No.
Q. Have you talked to anybody else from the police department?
A. Yes.
Q. Who?
A. I spoke with Chief Allen. I've spoken with Lieutenant Mike Welch. I've spoken with Corporal Nolin, Sara Lane. I think she just got promoted to corporal but I'm not positive.
And I've exchanged text messages with a number of the officers on the midnight shift.
Q. Have you talked --
A. So, that would be Pappas and Gall.
THE REPORTER: "-- Pappas and --" I'm sorry?
A. Gall, G-a-l-l.
Alan Lash, Lieutenant Dan Jones and Sergeant Chad Detrich.
BY MS. BALIAN:
Q. How do you spell Detrich?
A. I believe it's D-e-t-r-i-c-h.
Q. Have you spoken with any of them or texted with any of

them about the litigation?
A. I spoke with Jones, Nolin and Lane, I believe.
Q. And what did you --
A. And Lieutenant Welch.
Q. -- talk about?
Jones, Nolin, Lane and who?
A. Welch.
I spoke with Sara Lane at her birthday party. Her husband brought up something that he overheard on the night of my proceeding when I was terminated and --
Q. Which was what?
A. I'm sorry?
Q. What did he allegedly overhear?
A. He had a conversation with one of the city council members. So, he advised me of that conversation. I wasn't aware of --
Q. Which was what?
A. He had a conversation with Wheeler Marsee, and he asked Wheeler Marsee if he thought that I received a fair hearing, and Sara Lane and Brandon Nolin and I believe Jones --
Q. And what was Mr. Marsee's supposed response?
A. He said that I had not received a fair hearing, and that they knew they were going to get sued.
THE REPORTER: I'm sorry. "-- they knew they --

A. Were going to get sued.
THE REPORTER: Thank you.
A. So, Mr. Lane provided the name of a couple officers that were in the area when that statement was made, and I spoke with those officers or texted those officers to see if they, in fact, heard the same thing.
BY MS. BALIAN:
Q. And who were those officers?
A. Jones and Nolin.
Q. And what did you text them?
A. If they were present when Mr. Lane was speaking with Wheeler Marsee.
Q. And what did they respond?
A. Jones did not respond to the text message.
And Nolin told me that he was one of the officers that was present when that was said.
Q. And what did he say he overheard?
A. Same thing as Mr. Lane.
Q. Any other discussions with officers?
A. I've had a couple conversations with Mike Welch, mostly -- not about the lawsuit, but he -- after the lawsuit was filed, he said he read the Complaint and said that it was spot on.
Q. Okay. Any other discussions?
A. I don't believe so, no.

Q. Have you spoken with or had communication with any employees of the City of Melvindale?
MS. GORDON: Other than the people he's just mentioned?
MS. BALIAN: Yes.
A. Since I was terminated?
BY MS. BALIAN:
Q. Yes.
A. Yes.
I've contacted Chief Allen to receive my personal property from the building. I --
MS. GORDON: Other than the people you've already mentioned.
A. City administrator.
BY MS. BALIAN:
Q. What did you talk to him about?
A. It was -- I don't believe I spoke with him. I think we either e-mailed or texted, and I was asking him about my payout of accrued sick and vacation time.
Q. Okay.
A. And the same thing with Wheeler Marsee. I texted him about the payout.
Q. Okay. What would Wheeler Marsee have to do with that?
(Outside interruption; discussion held off the record.)

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MS. GORDON: I'm sorry, guys. May I?
MS. BALIAN: Sure.
(Short recess at 10:32 a.m.)
* * *
(Record resumed at 10:34 a.m.)
BY MS. BALIAN:
Q. What did Wheeler Marsee have to do with your payout?
A. The payout would have been approved by the city council. I also spoke with Ryan in the clerk's office. I filed some FOIA requests, and he was the person I spoke with when I filed those.
Q. Did you file them prior to the litigation?
A. Yes.
Q. What FOIA requests did you file?
A. There were a number of them.
I wanted copies of my notes from city council and Public Safety Commission meetings.
THE REPORTER: I'm sorry. "-- from --"
A. City council and Public Safety meetings.
BY MS. BALIAN:
Q. Copies of your notes pertaining to what?
A. The meetings of the city council and the Public Safety Commission.
Q. So, just general notes that you had taken?
A. Yes.

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Q. Okay. Did you get those?
A. I believe I did.
Q. Okay. Did you provide them to your attorney?
A. I don't know.
Q. Okay. They haven't been produced in this lawsuit.
Do you still have copies of them?
A. I do.
Q. You can provide those; right?
MS. GORDON: Well, he not going to answer. We provide whatever we're asked to provide.
BY MS. BALIAN:
Q. Do you believe they're relevant to this litigation?
MS. GORDON: He not in a position to know that.
But go ahead. You can answer.
A. I don't know.
BY MS. BALIAN:
Q. What time period did you ask for in the FOIA request?
A. I don't remember.
Q. You just asked for the Public Safety Commission meetings?
A. No. I asked for my notes for the city council and the Public Safety Commission meetings.
Q. And what other FOIA requests did you submit?
A. I don't remember.
Q. You were present at the August 17th, 2016 city council

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meeting when the decision was made to provide an Amended Formal Complaint for Removal; correct?
A. No.
Q. So, if the minutes of the city council meeting indicate you were present, you believe those were wrong?
A. Correct.
I had been suspended. I wasn't allowed there.
Q. You weren't allowed to go to a public meeting?
A. No.
Q. Had you been removed from a public meeting?
A. No.
Q. So, the Amended Complaint for Removal, you were served with that by certified mail; is that correct?
A. I believe so, yes.
Q. And you received that on August 19th; is that correct?
A. I don't recall. It sounds about right.
Q. And the removal hearing lasted over a period of two days, August 29th and August 30th; is that correct? Of 2016?
(Outside interruption; discussion held off the record.)
A. It was the last two days of August. I don't know if it's the 29th, the 30th or the 31st.
(Mr. Coogan and Mr. Ortiz enter the room.)
BY MS. BALIAN:

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Q. Okay. And I'm not -- because it's ginormous.
Do you recognize this, which is bats stamp numbers 360 through 485, as your Amended Complaint for Removal?
MS. GORDON: It's not his Amended Complaint. It's the City's Amended Complaint.
BY MS. BALIAN:
Q. The Amended Complaint for Removal with which you were served.
A. It's fairly lengthy, but it appears to be, yes.
Q. And you agree that you sent Mr. Coogan a list of witnesses that you wanted available for you at that two days of hearings; correct?
A. I believe so, yes.
Q. And those witnesses were made available for you over those two days; correct?
A. No.
Q. Who was not available?
A. All the officers that I didn't call.
Q. Which was who?
A. I don't remember all of them. There's probably 17.
Q. You understand subpoenas were sent to the officers?
A. I believe so.
Q. So, officers chose not to appear once they were subpoenaed?
A. I don't know whether they appeared or not. I wasn't

allowed to call them.
Q. What do you mean you weren't "allowed" to call them?
A. I was only allowed to call a couple of witnesses. I wanted to call all of the officers, and I was told that I could not.
Q. Did each side choose not to duplicate testimony?
Did the City also choose not to duplicate testimony?
MS. GORDON: Okay. There's no -- there's been no testimony that anything was duplicative here. That's your word that you're now adding into the dep. There's no foundation for him to answer what you mean by did everybody decide not to duplicate. I don't know what that means.
BY MS. BALIAN:
Q. So, if an officer testified that -- okay. We'll get into that once I go over the charges. Strike that.
As the chief of police, were you governed by the rules and regulations of the Melvindale Police Department?
A. Yes.
(Deposition Exhibit 5 marked for identification.)
MS. GORDON: Did you mark this Amended Complaint?
MS. BALIAN: I didn't. I just identified it by

Bates stamp.
MS. GORDON: Okay. That's fine.
MS. BALIAN: If you want an extra copy.
BY MS. BALIAN:
Q. If you could turn to -- it's Bates stamp number page 489.
You'll see the Bates stamp in the lower right hand corner.
A. Uh-huh. Yes.
Q. If you look at the bottom of that page, do you agree that this -- on this page and going on to the next page, it identifies what your duties were as chief of police?
A. Yes, it does.
Q. So, you agree that as chief of police you were to devote your entire time to discharging those duties; correct?
A. That's what it says, yes.
Q. And also part of your duties was to properly and efficiently enforce the laws and ordinances; correct?
A. Yes.
Q. And to enforce the rules and regulations that you're looking at; correct?
A. Yes.
Q. So, I want to focus a little bit on the removal hearing that took place on August 29th and August 30th.
Charge 1, if you recall, was the misuse of the

Melvindale Police Department social media and lying to the mayor and city council.
Do you agree?
MS. GORDON: The document speaks for itself. We agree Count 1 says misuse of Melvindale Police Department social media and lying to the mayor and city.
BY MS. BALIAN:
Q. Do you remember that that's what you were charged with, Mr. Hayse?
A. Yes.
Q. Okay. And specifically, if you recall, it was charged that you posted opposition and personal and political commentary on Facebook social media including the web page of the Melvindale Police Department. Do you agree?
MS. GORDON: That's what it says.
BY MS. BALIAN:
Q. Do you agree that that's what you were charged with, Mr. Hayes?
MS. GORDON: Okay. We're going to stipulate that the document is -- is what it says.
You don't have to ask him if that's what it says.
BY MS. BALIAN:
Q. You can answer yes or no.
A. That's what it says.
Q. If you'll look to --

(Deposition Exhibit 6 marked for identification.)
BY MS. BALIAN:
Q. I'm showing you what has been marked as Exhibit Number 6.
If you recall, the City of Melvindale presented this as it's exhibit at the removal hearing.
Do you remember that?
A. I think so.
Q. And at the very top of this document, there's a post from the Melvindale Police Department that says:
"There's a workshop tonight at 7:30 p.m. to discuss combining our 911 call dispatch with the City of Dearborn. City council plans on voting on this issue next Wednesday. The 'merger' could have a drastic affect on the operations of our police department. The workshop will be in council chambers at city hall."
Now, you admitted at your hearing to posting that post on the Melvindale It Takes A Village web page; correct?
A. No. I believe it's posted on the police department Facebook page.
Q. I thought you didn't agree that that was posted on the

police department page?
A. I don't know what you're talking about.
Q. Did you make that post on the Melvindale It Takes A Village web page?
A. You're showing me one document and asking me about something else.
Q. I'm asking if you posted it on the Melvindale It Takes A Village web page.
A. I don't know. I'm -- I'm confused as what you're asking.
Q. So, you don't know if you posted it there?
A. I'm trying to refer to the document that you have but you're asking me about something else.
Q. I asked you a question.
A. I don't know.
Q. You don't know if you did.
So, you posted it on the police department web page?
A. That's what this document shows, yes.
Q. Okay. And then if you turn to the second page at the very top it --
MS. GORDON: Excuse me. Just for the record, this document is highlighted.
Is it -- have you put that on there?
MS. BALIAN: I did not.

MS. GORDON: Okay. Fair enough. I'm just asking for the record.
BY MS. BALIAN:
Q. (Reading.)
"If they remove the supervisors from the station and send our prisoners to Dearborn, we don't see a cost savings without staff reductions."
You also admitted to making that post; correct?
A. I believe so.
Q. And on the third page:
"Melvindale Police Department. We have heard complaints about increased response time for the fire department but I don't have data to verify."
You admitted to making that post; correct?
A. I believe so.
Q. And then on the fourth page, it starts your personal post:
"No cost for the 911 system first five years but we have to remove our existing system."
And then on Bates stamp page 2552, you talk about:
"The desk officer will not be moved to the street."

And then on document 2553:
"Fire department response time is not faster. They will tell you the dispatch time but not the length of time the dispatcher took to get the information."
"The officers are against the idea."
"Combining dispatch was brought up as a cost saving measure without explaining how the City would save money."
Bates stamp document 2554, four more posts in your own name.
In the bottom two:
"The one getting the shaft may be the taxpayers."
Those are all posts in your personal name; correct?
A. It appears so.
Q. Your defense at the removal hearing was that the posts were made on the Melvindale It Takes A Village web page; is that correct?
A. Most of those, yes.
Q. Okay. And you called one witness on your behalf, John -- is it Sabo?
A. Yes.
Q. You understand under the rules and regulations that you were required to avoid political discussions while on

duty; correct?
MS. GORDON: What rules and regulation are you referencing?
You've had several things out here today.
There are rules and regulations that you've asked him.
Are these the rules? What are you referring to?
MS. BALIAN: Page 501 of the Rules and Regulations.
MS. GORDON: Here it is.
BY MS. BALIAN:
Q. It's right here in front of you.
On the third paragraph down, do you see where it says:
"A member shall avoid all religious or political discussions in the station house or elsewhere while on duty --"
A. It does say that.
Q. Okay. And you've already indicated that as chief of police you were always to be on duty; correct?
MS. GORDON: Well, where has he indicated that?
Because I don't -- that hasn't been asked today at the deposition.
MS. BALIAN: Actually, I did ask it.
BY MS. BALIAN:
Q. If you want to turn back --

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MS. GORDON: Because if you're telling me your policy says that you can't discuss anything political at any time ever so long as you're police chief, that's flatly unconstitutional. So, that can't be what it means.
MS. BALIAN: I've already gone over this with him, but I can go over it again.
MS. GORDON: Well, I'm just telling you that -- you can point us to what you want to point to, but clearly the law does not say that he can never discuss anything political, ever.
BY MS. BALIAN:
Q. On page 489 -- if you can turn to Bates stamp number 489?
Under "Chief of Police," the second line, you agree, says you shall devote your entire time to the discharge of your duties in office?
Do you --
MS. GORDON: Okay. You think that means 24 --
MS. BALIAN: I would just like to be able to take your client's deposition without you giving a dissertation on it; okay?
MS. GORDON: Okay. Well, I'm going to object because if --
MS. BALIAN: Okay. Then make your objection and be

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done with it. Unless it's attorney/client privileged, you can't tell him not to answer. So, make your objection --
MS. GORDON: I didn't tell him not to answer, did I?
MS. BALIAN: -- please, Deb, and be done.
MS. GORDON: Did I tell him not to answer?
MS. BALIAN: So, what's your objection?
MS. GORDON: Well, if you'd stop talking, I'll do it.
MS. BALIAN: Okay. State your objection.
MS. GORDON: Okay. This assumes facts not in evidence. What you've just pointed my client to has to do with -- where is it?
MS. BALIAN: The second line under Section 3.
MS. GORDON: Okay. "He shall devote his entire time" clearly does not mean 24 hours a day, 365 days a year.
MS. BALIAN: Okay. Well, you can certainly argue that.
MS. GORDON: So, you're misstating the meaning of the document. That's my objection.
MS. BALIAN: Okay. All right.
BY MS. BALIAN:
Q. Mr. Hayse, do you agree that that is what it says under

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"Chief of Police"?
MS. GORDON: Okay. We agree with the words on the page.
Do you -- are you asking him for --
MS. BALIAN: I don't want a "we." I'm asking your client.
MS. GORDON: Well, this is a "we" right here.
MS. BALIAN: Okay. But do you have an objection?
MS. GORDON: When I --
MS. BALIAN: Then state it.
MS. GORDON: When I stipulate that the words say that, that comes from both of us. That's number one.
Number two, we agree that the words say this.
Are you now asking him for his interpretation?
MS. BALIAN: I'm not asking for an interpretation.
MS. GORDON: Well, the words say what they say.
MS. BALIAN: Okay.
MS. GORDON: Nothing in there says that he's -- 24 hours a day, 365 days a year, he can't make a political comment or a religious comment.
MS. BALIAN: Okay. I'm not deposing you, Deb. You're all set.
BY MS. BALIAN:
Q. Did the Public Safety Commission give you permission to post on behalf of the police department that this

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"merger" was going to have a drastic affect on operations?
A. No, they did not.
Q. Did the city council?
A. No.
Q. Did anybody on behalf of the City?
A. Not that I recall.
Q. And you've called nobody else as a witness on your behalf related to Charge 1; correct? Other than Mr. Sabo?
A. I don't recall.
I believe there were other witnesses called. I think Sabo was the first one I called.
Q. But you don't recall at this time?
MS. GORDON: Well, the record will speak for itself. You've got a record.
BY MS. BALIAN:
Q. You can answer the question.
A. I forgot what it was.
Did I call --
Q. You don't recall at this time whether you called any other witnesses?
A. I don't believe I did.
Q. You testified at your removal hearing that the Melvindale It Takes A Village is a closed web page.

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Do you remember that?
A. Closed Facebook group, yes.
THE REPORTER: I'm sorry. "Closed --"
A. Facebook group.
THE REPORTER: Thank you.
BY MS. BALIAN:
Q. Are you aware that anyone can log onto it and see the posts but they can't see the comments?
A. No, I'm not.
Q. Pertaining to Charge 2 of the Amended Complaint for Removal, it was charged that you knowingly and intentionally provided false statements to the Commission of Public Safety.
MS. GORDON: What page are you on, Melinda?
MS. BALIAN: What page? I don't know. I'm referring to my notes.
MS. GORDON: Okay.
BY MS. BALIAN:
Q. Specifically, it was charged that on May 10th, 2016 at the public --
MS. GORDON: He's got to catch up with you. I'm sorry.
MS. BALIAN: It's okay.
MS. GORDON: You're reading something and --
BY MS. BALIAN:

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Q. I'll find it for you.
It's on page 6.
MS. GORDON: Page 6.
Okay.
BY MS. BALIAN:
Q. Specifically it was charged that on May 10th, 2016 at the Public Safety Commission meeting that you provided the following information regarding the central 911 system.
"The installation of Melvindale's new 911 dispatch has been delayed due to our discussions with Dearborn regarding a Central Dispatch. In fact, the new equipment should have been installed in December 2015.
The Melvindale Police Department was put on the back burner and has effectively been taken off the list due to Melvindale's discussions with Dearborn regarding a Central Dispatch."
At the removal hearing, you defended this charge claiming that Mr. Heck was untruthful in saying that there has not been a delay in the 911 upgrade due to any discussions with Dearborn regarding central dispatch; is that correct?
A. I believe that's what he said.

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Q. And both you and the City introduced exhibits regarding e-mail exchanges between you and Mr. Heck; is that correct?
A. I believe so, yes.
Q. Okay. And you also called Mr. Heck as a witness; is that correct?
A. I don't know if I called him or the City called him.
Q. But he testified?
A. Yes.
Q. And you were able to question him?
A. Yes.
(Deposition Exhibit 7 marked for identification.)
BY MS. BALIAN:
Q. Mr. Hayse, I'm showing you your Exhibit 2 from the removal hearing.
Do you recognize this document?
A. Wow.
MS. GORDON: Really tiny print here.
MS. BALIAN: I think that was the problem at the removal hearing, too.
MS. GORDON: Are you directing him to any part of this document in particular or just the whole thing?
MS. BALIAN: I'm just asking him if he recognizes it.

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MS. GORDON: Do you know what that is?
A. Yes, I do.
BY MS. BALIAN:
Q. Okay. And if you look at -- let me just see -- find it.
The third portion down, sent at April 14th at 11:53.
Do you see that part?
So, if you want to look where my finger is pointing?
A. Okay.
Q. Mr. Heck e-mails you and says:
"Let me know if something actually happens. I don't want to delay install of your equipment but if you're not going to be able to utilize it, it would be a waste. I reached out to Dearborn Heights and Dearborn to offer 911 services to them as well. If you would like to mention it at one of your meetings, please feel free."
And then you follow-up with him at the next e-mail and say:
"Do you want to speak at our next meeting? I think it's April 19th."
And then he e-mails you again at 6:15 p.m. saying:
"Not necessary. I probably should wait

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to install Melvindale's equipment until closer
to the end just to avoid having to remove it
right after."
Is that a correct recitation of the e-mail exchange between the two of you?
A. **It is.**
You forgot the last two sentences of the original e-mail from Bob.
Q. "Dearborn Heights and --" I just didn't think it was relevant.
A. **Correct.**
Q. I didn't read it.
Okay. So, would you agree with me that Mr. Heck was trying to get the scheduling down for the installs of the equipment?
A. **I'm not sure what he was doing.**
Q. You have no idea if he was scheduling the installs?
A. **They were not scheduling the installs. They had some technical issues they were trying to iron out.**
I believe they had already ordered the equipment and wanted to know whether they were going to be using the equipment that was designated for Melvindale or not.
Q. Okay. Melvindale didn't have a scheduled date for install as of the time that you were e-mailing with him on April 14th; correct?

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A. **Not to my knowledge, no.**
Q. And he was trying to obtain a date with you. Is that fair to say?
A. **No, it's not.**
Q. Why not?
A. **I -- you'd have to ask him.**
Q. Well, that's -- isn't that what he's trying to do with you in this e-mail?
A. **No.**
Q. (Reading.)
"I probably should wait to install
Melvindale's equipment until closer to the
end --"
So, he's putting Melvindale at the end; right?
A. **Yes.**
Q. Okay. He didn't say he delayed it at all; correct?
A. **Well, yes. If you're putting it closer to the end, then you're delaying it.**
Q. Who's to say it was ever at the beginning?
MS. GORDON: Are you arguing with the witness now?
MS. BALIAN: I'm asking him.
BY MS. BALIAN:
Q. Was it ever at the beginning? Did it ever have a date at the beginning and was put closer to the end?
A. **I don't --**

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Q. Do you know that?
A. **I don't believe there was an actual date, but it's my understanding in speaking with Mr. Heck they were going to do some of the smaller cities first, which would have included Melvindale, and do the bigger cities at the end so they could iron out the technical issues that they were having.**
Q. So, you don't know that Melvindale ever had a date; correct?
A. **I don't -- I don't have that information, no.**
Q. Okay. So, if you don't know if they ever had a date, you don't know that they were ever delayed; correct?
A. **No. Bob said he didn't want to delay the install if we weren't going to use it.**
Q. He didn't want to delay it. Right.
So, my question to you was, you don't know that Melvindale ever had a date; correct?
A. **No, I do not.**
Q. Okay. And at no point did Mr. Heck tell you that they were taken off the list for installation; correct?
A. **Yes, he did.**
Q. When was that?
A. **He said they moved us to the back of the line.**
That's why I said it was on the back burner because, like I said, he was going to do the smaller

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cities first, which would have included Melvindale, but because of Melvindale's ongoing discussions with Dearborn, they moved it back because he didn't want to have to put the equipment in and take it out. That's what his last e-mail was.
Q. My question says -- my question was, at no point did he tell you they were taken off the list for installation?
A. **Off the list, no. He did not.**
Q. Okay. And you were -- when you were asked the question about whether you told the Public Safety Commission that Melvindale was taken off the list at the removal hearing, your answer was, you don't recall.
Is that still your answer? You don't recall whether you told the Public Safety Commission that?
A. **I don't know if Melvindale had a date to install the equipment based on my conversations with Bob in the e-mails that he was going to move Melvindale back in line and do it later.**
Q. That wasn't my question.
My question was, do you recall telling the Public Safety Commission that Melvindale was taken off the list?
A. **No. I don't believe that's what I said.**
Q. Well, your answer to that question at the removal hearing was you don't recall.

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MS. GORDON: Well, are we just supposed to take
your word for it or do you want to show him something?
MS. BALIAN: You have the video -- or you have
the --
MS. GORDON: Well, I'm not the one asking the
questions, Melinda.
MS. BALIAN: Okay. Well, listen to it.
MS. GORDON: So, you can ask him what he said, but
for you to say something from a transcript is a little
different.
BY MS. BALIAN:
Q. So, if you told the -- if you told the city council that
at the removal hearing, that you don't recall, and
that's the evidence that they have before them, then
they can weigh that evidence one way or another. Do you
agree with that?
MS. GORDON: Okay. Now you're just arguing your
case. We really don't want to waste our time with that.
BY MS. BALIAN:
Q. Do you understand that?
A. No, I don't -- I don't know what you're talk- -- I don't
know what you mean by your question.
Q. So, if your answer at the removal hearing to the
question of whether you told the Public Safety that
Melvindale was taken off the list for installation was

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"I don't recall," then the Public -- then the city
council can hear that and either say, well, he could
have told them, or maybe he didn't tell them because he
doesn't recall.
Do you understand that that's how they're going to
accept that evidence?
A. No.
Q. Why don't you understand that?
A. I just don't.
Q. You chose not to have an attorney with you at your
removal hearing on the 29th and 30th; correct?
A. I did.
Q. What?
A. I did.
Q. Why?
MS. GORDON: Don't answer.
It could involved attorney/client privilege.
BY MS. BALIAN:
Q. Did you speak with an attorney?
A. I spoke with several.
Q. Did you make a decision yourself not to have counsel?
MS. GORDON: Don't answer.
MS. BALIAN: I'm not asking if it's based upon a
conversation. I'm asking if he made the decision
himself.

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MS. GORDON: Okay. That is going to likely elicit
what he learned in talking to attorneys.
So, only after you do that do you then make a
decision. So, I'm going to instruct him not to answer.
BY MS. BALIAN:
Q. Did your decision not to have an attorney present have
anything to do with you talking to an attorney?
A. What now?
Did my decision --
Q. Not to have an attorney represent you at your removal
hearing have anything to do with your discussion with an
attorney?
A. No. I don't think so.
Q. Then why didn't you have an attorney?
MS. GORDON: Is he required to pay money out of his
pocket to come to --
MS. BALIAN: He can answer the question, Deb. He
already said it had nothing to do with a conversation
with an attorney.
MS. GORDON: You're --
MS. BALIAN: So, I would like to know why he chose
not to.
MS. GORDON: There's an assumption in your question
that he should have an attorney.
MS. BALIAN: No, there's not. I'm just wondering

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why he didn't. He did at his 2012 one, and he chose not
to at this one. So, I'd like to know why.
MS. GORDON: You can answer.
A. I thought it was important that I had a public hearing
so that the citizens of the City could see how the City
was using their tax dollars. And I didn't think it
mattered what was going to be said at the hearing
because the City had already made up their mind they
were terminating me.
BY MS. BALIAN:
Q. Why do you believe the city made up their mind?
A. It's my opinion.
Q. Do you have any evidence to support that opinion?
A. Yes.
Q. What?
A. I think if you look back at the questions that were
asked of me and some of the information elicited from
your witnesses, it had nothing to do with those charges.
Q. Do you have specific questions you're thinking of?
A. No.
Q. Do you recall Mr. Heck testifying at the removal hearing
that Melvindale --the comment that Melvindale had been
taken off the list for installation was false and that
there was no truth to that comment?
A. Yes, he did testify to that.

Q. At no point during the hearing did you argue that either Charge 1 or Charge 2 were fictitious in any way, did you?
A. I believe regarding Charge 1, I argued that the evidence was fabricated.
Q. You did?
A. Yes.
Q. So, if you did, then that should show up in the recording of the hearing; right?
A. Absolutely.
Q. Okay. Who do you think fabricated -- how was it fabricated?
A. The postings made on the closed Melvindale It Takes A Village Facebook Group were attributed to Melvindale Police Department Facebook Group. They manufactured the evidence. Things that I said under one posting, they put under another. They made it up.
Q. You understand that the charge was that you posted opposition and personal and political commentary on Facebook social media, including the web page?
So, it wasn't just strictly the Melvindale Police Department?
A. But that's how they made it look.
Q. But if you read the charge, sir, on Bates page 360 --
A. The charge says misuse of Melvindale Police Department social media.
I didn't post this comment on Melvindale social media. I posted that on Melvindale It Takes A Village.
So, I did not misuse the City of Melvindale Police Department's Facebook page for that.
Q. Okay. I'm not going to rehash what we've already gone over.
If you look at Page 1:
"-- posted his opposition and personal and political commentary upon Facebook.com social media web page, including Melvindale Police Department."
MS. GORDON: What's your question?
BY MS. BALIAN:
Q. So, do you understand that it was not exclusive?
A. It is when the count is "Misuse of the Melvindale Police Department's Social Media," and then you showed samples that are not on Melvindale Police Department social media.
Q. On behalf of the Melvindale Police Department --
MS. GORDON: Your pointing at something.
You want that to be part of the record, or what are you doing?
MS. BALIAN: It is part of the record.
MS. GORDON: The record doesn't know what you're pointing to.
If you want him to reference it --
BY MS. BALIAN:
Q. Bates stamp 2547, that I already asked you about and that you already admitted to posting on behalf of the Melvindale Police Department, and you agreed that you did not have permission to post, "The 'merger' could have a drastic affect on the operations of our police department," by the Public Safety Commission or city council; correct?
A. Correct.
That's not the example that's in the charge.
Q. And you posted your own personal opinion that the taxpayers could be getting the shaft; correct?
A. No. That's a fact.
Q. Okay. Well --
MS. GORDON: It's a fact --
BY MS. BALIAN:
Q. In your --
MS. GORDON: It's a fact that the taxpayers were getting the shaft, not the question?
A. It's the fact -- the fact is they could be getting the shaft. I didn't say they would be getting.
MS. GORDON: Okay. All right.
BY MS. BALIAN:
Q. Okay. And when you were asked about those things before, about the post of the taxpayers getting the shaft, about who posted it, by the Public Safety Commission, do you recall telling them you couldn't remember?
A. No, I don't recall that. I believe what I said to them was that a number of officers had access to the Facebook page, and I would have to check to verify who posted that information.
Q. Did you not have any memory of making the comment?
A. I wanted to ensure that I was saying what I did and not somebody else; make sure it had not been edited or posted by somebody else.
Q. But then you came back the following day saying, "Oh, yeah, it was me"?
A. Because I had the opportunity to check, yes.
Q. And the Public Safety Commission thought you were not being truthful in your answers; correct?
A. I don't know what they thought.
Q. Well, they put it in writing in a charge against you.
So, is it fair to say they felt you were not being truthful?
A. The Public Safety Commission didn't do any charges against me.
Q. I'm sorry.

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Well, the city council put it in a charge against you that they believed you were not being truthful --
MS. GORDON: Okay. But you didn't ask about the --
BY MS. BALIAN:
Q. -- to the Public Safety Commission?
MS. GORDON: -- city council.
THE REPORTER: Excuse me.
MS. GORDON: You didn't ask about the city council. You asked him what did the Public Service Commission -- Safety Commission say.
BY MS. BALIAN:
Q. That you were not being truthful --
MS. GORDON: He answered that question.
THE REPORTER: I'm sorry. One at a time, please.
BY MS. BALIAN:
Q. That you were not being truthful to the Public Safety Commission, that was the charge against you; correct?
A. No. The charge is lying to the mayor and city council. Not the Public Safety Commission.
Q. You were asked about it by the Public Safety Commission; correct?
A. I was.
Q. Okay. And when you were asked about it, did you tell them it was you that made the post?
MS. GORDON: This has been covered.

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BY MS. BALIAN:
Q. You can answer.
MS. GORDON: Which day? The first day or second day?
MS. BALIAN: The first time.
MS. GORDON: Asked and answered.
Go ahead. You can answer it again.
A. The Public Safety Commission did ask me about the posting, yes. And I told them I would have to look to see if I made the posting.
BY MS. BALIAN:
Q. Is that how you answered, "I'll have to look to see if I made the post"?
A. I don't recall.
Q. Did you tell them you had no knowledge about who made the post?
A. Who?
Q. City council at the workshop on June 13th.
A. I would have to check the dates of the council and the Public Safety Commission meetings. I don't know off the top of my head.
Q. And then on the following day on June 14th, you were publicly questioned about it at the Public Safety Commission.
Does that refresh your memory?

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A. No, it does not.
Q. And that's when you admitted being the individual responsible?
A. I don't recall the order of the meetings.
Q. Do you agree that under the Rules and Regulations, you have a responsibility to be truthful at all times, whether under oath or not?
A. I believe it says that, yes.
Q. Do you agree that that was your responsibility as chief of police?
A. Yes.
Q. When you were a police officer, whether on the road or otherwise, did you enforce the laws without discrimination?
A. I believe so.
Q. And as an officer, do you understand that it's unlawful to enforce the laws in a discriminatory manner?
A. I would agree with that.
Q. When you were the Melvindale police chief, did you believe it was important that the officers under your command enforce the laws without discrimination?
A. Yes.
(Deposition Exhibit 8 marked for identification.)
BY MS. BALIAN:

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Q. I'm showing you what has been marked as Exhibit Number 8.
Do you recall issuing this to Corporal Matthew Furman?
A. I do.
Q. And the date of this is April 26th of 2016; correct?
A. Yeah, appears to be.
Q. And you testified at the removal hearing that you issued this to Matthew Furman; correct?
A. I believe so.
Q. And this is pertaining to Charge 3 of your Amended Complaint for Removal which was the charge of willful misconduct in office upon the usage of towing services necessary for the proper enforcement of the Uniform Traffic Code.
Under the Rules and Regulations, this is considered a special order to an officer.
Would you agree with that?
A. No, I would not.
Q. Why is that?
A. This communication came out as a result of a disciplinary issue with Corporal Furman.
Q. Okay. And I know that you testified to that at the removal hearing.
And you called -- I can't remember the name.

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Was it John Thompson? Was that the name of the witness that you called at the removal hearing who was Mr. Furman's union representative?
A. I believe Thompson was one of the representatives. I believe he was called.
Q. And you called him as a witness; correct?
A. I don't believe so. I believe Councilman Marsee wanted to hear from some of the union representatives because of his union affiliation.
Q. And Mr. Thompson testified that nowhere on this document is it indicated that it's issued as part of a resolution or a union document; correct?
A. Are you asking if it says that or if he said it?
Q. If he said it.
A. I believe he said that it did not have anything -- didn't list that it was part -- as part of a union issue or disciplinary issue.
Q. But he testified it's something that you wanted to do as it related to Mr. -- or Officer Furman rather?
MS. GORDON: Why are we asking this witness what somebody else testified to? It's just hearsay that he can't respond to.
BY MS. BALIAN:
Q. Do you recall him testifying to that?
A. I believe so.

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There were other issues at that meeting. I don't think we were allowed to get into those because they were disciplinary in nature.
Q. And you would agree that nowhere on this document does it have any sort of union insignia or anything that it indicates that it has anything to do with a resolution or anything having to do even with Mr. Furman's discipline?
MS. GORDON: Well, it's to Corporal Furman.
Other than that, we agree the document speaks for itself.
BY MS. BALIAN:
Q. Do you agree with that, Mr. Hayse?
A. It does not have any union logo or resolution on it. Correct.
Q. And you would agree that this directive requires Officer Furman, if -- before he is going to tow a vehicle, to call in to a desk officer to identify the conditions which merit towing, including the driver's gender and age; correct?
MS. GORDON: We've already agreed it says what it says.
You can go ahead and answer, Chad.
A. Among other things, yes.
BY MS. BALIAN:

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Q. What statute are you aware of under the Uniform Traffic Code that makes a driver's gender and age a factor for an officer to consider when determining to tow or impound a vehicle?
MS. GORDON: Well, you're assuming facts not in evidence in this case, and you've laid no foundation that that's the reason this memo was issued; that it has anything to do with the Uniform Traffic Code.
BY MS. BALIAN:
Q. You can answer the question.
A. I'm not aware of a statute.
Q. You're not aware of any statute which makes a driver's gender and age a factor when determining when to tow or impound a vehicle?
MS. GORDON: You're talking about the Motor Vehicle Act is what you're talking about; correct?
MS. BALIAN: I'm talking about the Uniform Traffic Code.
MS. GORDON: Right.
A. Correct.
(Discussion held off the record.)
BY MS. BALIAN:
Q. So, do you understand that this document required not only Furman, but the desk officers to make decisions about the towing of vehicles based upon the gender and

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age of the drivers?
A. That's not what it says.
Q. It doesn't -- it makes Furman call in the driver's gender and age; correct?
A. Among other things, yes.
Q. Okay. So, those factors were to be considered by Furman; correct?
A. The totality of the circumstances was to be considered by Furman, and --
Q. Okay. Are those --
A. -- that's why I put that in.
Q. -- two factors that --
MS. GORDON: Wait a second.
Did you finish?
BY MS. BALIAN:
Q. Were those two factors to be considered by Furman?
MS. GORDON: Let him finish his answer, Melinda.
Did you answer?
A. No.
MS. GORDON: Okay. Go ahead.
MS. BALIAN: I'm going to change my question.
MS. GORDON: No, you --
BY MS. BALIAN:
Q. Were those two factors to be considered by Furman?
MS. BALIAN: Strike the last question.

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BY MS. BALIAN:
Q. Were those two factors to be considered by Furman?
A. The driver gender and age?
Q. Yes.
A. Yes, they were.
Q. Okay. And he was calling in -- he had to call in to the desk officer according to this memo; correct?
A. Yes.
Q. And he had to relay those two factors, in addition to others, to the desk officer; correct?
A. Yes.
Q. So, then the desk officer has to consider the gender and age in addition, correct, to the other factors?
A. Yes.
Q. Okay. So, you've got Furman and now another person considering the gender and age; correct?
A. Yes.
Q. Okay. How many desk officers were there?
A. There were six supervisors assigned to the desk on various shifts, and there could be any number of officers that were relieving or assisting each of those supervisors based on which shift was ongoing.
Q. So, what does "any number of officers" mean?
How many is that?
A. It's a 21-man department. It could include up to 21.

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Q. Oh. So, you have potentially the entire department making decisions based upon gender and age before they're towing vehicles?
MS. GORDON: With regard to Furman? Is that what you're saying?
With regard to this memo or in general?
BY MS. BALIAN:
Q. Furman is calling in the desk.
So, the people at the desk have to consider gender and age; right?
A. Among all of the totality of the circumstances from the stop, yes.
This information --
Q. There's no question pending.
MS. GORDON: You can go ahead and finish.
A. I was still finishing --
MS. BALIAN: No, there's not. There's not a question pending.
MS. GORDON: Okay. We're going to stop the dep if you're not going to let him answer the questions.
MS. BALIAN: There's no question.
MS. GORDON: He was continuing his answer.
Read back his last answer, John, please.
THE REPORTER: One second, please.
(Record repeated by the reporter.)

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MS. GORDON: See? You cut him off.
Go ahead, Chad.
MS. BALIAN: I wasn't even talking, Deb. I wasn't cutting him off.
MS. GORDON: Go ahead.
You said, "This information --"
Go ahead.
A. This information was negotiated with Corporal Furman and with at least two of his union representatives at the time, in consultation with the City psychologist who has seen Corporal Furman and recommended that I take this action to assist Corporal Furman into thinking about the entire traffic stop, not one portion of the stop.
I wanted him to think of everything before he made a decision, and he wasn't doing that.
THE REPORTER: I'm sorry. "Was" or "was not"?
A. He was not doing that.
BY MS. BALIAN:
Q. Do you recall John Thompson testifying at your removal hearing that he was not aware of any evidence that Furman discriminated against citizens based upon gender and age?
A. I believe he said that.
Q. And you testified at your removal hearing that you did not share Exhibit 8 with the mayor or city council prior

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to issuing it to Furman; correct?
A. I believe that's correct, yes.
Q. Nor did you seek approval from the City's attorney prior to issuing it to Furman to ensure that it was legally proper; correct?
A. I did not consult the corporation counsel, no.
Q. And it was actually posted at the police department; correct?
A. I believe it was given to the supervisors.
Q. And it was posted at the police department; correct?
A. I'm not sure.
Q. And you recall that officers testified at your hearing that they had been directed by you and Lieutenant Welch not to tow vehicles once Goch & Sons had been awarded the towing contract; correct?
A. They did testify in that manner, yes.
Q. And other officers testified saying that they had not heard you or Lieutenant Welch say that; correct?
A. Some of them were allowed to testify, yes.
Q. Other officers testified to that; correct?
A. Some of them.
Not all the ones that I wanted to call.
Q. And you agree that under the Rules and Regulations, you're not to issue any orders that violate the laws or ordinances; correct?

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A. I believe so.
Q. And you also agree that officers, under the Rules and Regulations, are not required to obey an order which is contrary to federal or state law, or local ordinance; correct?
A. Yes.
Q. You called Mike Welch on your behalf; right?
A. I believe so. I did, yes.
Q. Don Meador?
A. Meador.
Yes.
Q. Dan Jones?
A. I believe so.
Q. And Chad Detrich?
A. I believe so.
Q. Do you recall calling anybody else?
A. I don't think so.
(Discussion held off the record.)
(Deposition Exhibit 9 marked for identification.)
MS. BALIAN: Give me one second, please.
BY MS. BALIAN:
Q. Mr. Hayse, we talked about this a little bit earlier.
Do you recognize this as "Executive Order 05-01"?
A. I thought there was another page to it, but I believe

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so.
MS. GORDON: Yeah. In fact, the document does say, on the second page, "Page 3 of 4."
MS. BALIAN: Well, hold on.
MS. GORDON: And there's only two pages.
MS. BALIAN: Why don't we take a break --
MS. GORDON: It looks like we're missing two pages.
MS. BALIAN: -- and I'll get the full documents so the record is clear.
MS. GORDON: Okay.
(Discussion held off the record.)
(Deposition Exhibit 9 re-marked for identification.)
MS. GORDON: You've got a copier problem. Hard to read. Very hard to read.
BY MS. BALIAN:
Q. Okay. Now, do you recognize this as Executive Order 05-01?
A. I believe it is.
Q. And do you agree that you were to follow this procedure when disciplining employees?
MS. GORDON: This has been asked and answered.
But go ahead.
A. This is the -- one procedure from the Executive Order, yes.

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BY MS. BALIAN:
Q. Say that again?
A. I said this is the procedure listed under "Executive Order."
Q. My question was, do you agree you were to follow this when disciplining employees?
A. Yes.
Q. And you testified at your removal hearing that you have followed this procedure in the past when disciplining employees; correct?
A. Yes. I believe I did.
Q. And you suspended Officer Furman sometime around July 3rd of 2016 with pay; correct?
A. I don't recall the exact date, but it sounds correct.
Q. And you testified that sometime around July 28th, you suspended him without pay? July 28th of '16; correct?
A. I believe so, yes.
Q. And you admitted at your hearing that you did not provide him with written notification at any time of why you suspended him; correct?
A. I don't recall if that's how I testified.
I did provide him a document when he was suspended with pay.
Q. The document saying "You're suspended"?
A. Essentially, yes.

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Q. It didn't provide him any notification about why he was suspended, though; correct?
A. I don't remember.
Q. Furman was not given an opportunity to present his side of the story at any hearing; correct?
A. He was provided an opportunity to provide his side of the story to myself and his union representatives.
We did not have a hearing as I was waiting for legal advice from corporation counsel.
Q. I understand that that was your defense to this at the removal hearing; however, it's my understanding that if that was the case, you chose to suspend Officer Furman prior to receiving any legal advice; is that correct?
A. Yes.
Q. And you chose to suspend Officer Furman the first time with pay and the second time without pay without receiving any legal advice; correct?
A. I did not receive any legal advice.
I did notify the head of the Public Safety Commission. I notified the mayor. I notified corporation counsel.
I believe there's one other person.
Mayor, city administrator, corporation counsel, head of the Public Safety Commission.
Q. And Officer Furman testified at the removal hearing that

he believed you were retaliating against him for disregarding the April 26th, 2016 order regarding towing vehicles, didn't he?
A. I'm not sure.
Q. You're "not sure," meaning you don't remember?
A. I don't remember if that's what he testified to.
Q. Do you remember if he testified that the retaliation toward him from you dates back to when you ordered him to illegally tow vehicles in the snowgate incident?
A. I did not order him to tow vehicles regarding the snow emergency.
I don't recall if that's how he testified or not.
Q. If you turn to page 12, Bates stamp page 12 of this document which is Exhibit 9, under "Due Process Requirements to Disciplining Employees --" I guess first I should ask, Officer Furman was covered by the union contract; correct?
A. The police officers' -- Melvindale Police Officers' Association contract, yes.
Q. So, corporals and sergeants are covered by the Police Officers' Association contract?
A. No.
(Discussion held off the record.)
MS. BALIAN: Command officers contract.
BY MS. BALIAN:

Q. So, corporals and sergeants are covered by what contract?
A. They're covered by separate contracts.
Q. Okay. So, state who's covered by which contract.
A. Officers and corporals are covered by the Melvindale Police Officers' Association contract, and sergeants and lieutenants are covered under the Melvindale Police Supervisors' Association contract.
Q. Okay. So, at the time you suspended Corporal Furman, he was covered by the POAM contract?
A. POAM is their union rep.
It's MPOA, yes.
Q. MPOA. Sorry. Too many acronyms.
So, at the time that he was suspended, do you agree that you needed to follow Section IV of this Executive Order?
A. Was that for the with pay suspension or without pay suspension?
Q. Well, it says:
"Prior to disciplinary action which will result in a loss of pay, such as demotions, suspension or termination."
So, when you suspended him without pay.
A. Yes.
Q. So, that would include a written notice of the charges

against him and the disciplinary action which is being considered; correct?
A. That would be correct.
Q. And:
"A hearing conducted by the departmental supervisor at which the employer's evidence is explained and the employee/appointee is afforded an opportunity to present his side of the story."
Correct?
A. We actually did have a meeting with Corporal Furman regarding the suspension.
Q. Okay. When was that?
A. It would have been in July.
I don't recall the date.
Q. And who was present?
A. Corporal Furman would have been there with a union rep.
I don't remember which one it was.
I don't recall if there was somebody else in the room or not.
Q. Where was it?
A. My office.
Q. And was that before or after he was suspended?
A. It would have been -- there were two issues going on with him simultaneously.

It would have been prior to the suspension with pay; it would be after the suspension with pay. The two issues he had overlapped.
So, we discussed each issue in separate meetings.
Q. Okay. What were the two issues?
A. The two issues were Corporal Furman assaulting prisoners two separate times.
Q. Two separate times.
And you're saying you received two complaints?
A. Yes.
Q. And what were the two complaints?
A. That Corporal Furman assaulted --
Q. Involving who?
A. Corporal Furman.
Q. What prisoners?
A. Oh, I don't recall their names.
Q. But there would be a record of those?
A. Yes.
(Discussion held off the record.)
MR. COOGAN: Let's talk for a minute outside.
MS. BALIAN: Yeah.
Let's take a short break.
(Short recess at 11:59 a.m.)
* * *
(Record resumed at 12:17 p.m.)

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BY MS. BALIAN:
Q. If you can refer to Exhibit 9 again?
A. Okay.
Q. And if you go to Bates stamp number 14, you agree that when you suspended Corporal Furman in July, you did not complete this page; correct?
A. For which suspension?
Q. In July of 2016.
A. Well, I believe one was with pay and one was without pay.
Q. Either one of them.
A. I don't know if I gave him the form.
I believe I completed some of this form.
Q. Did you complete the form and put it in his personnel file?
A. No. I was waiting for advice of corporation counsel.
Q. But when you suspended him in March of 2016, you completed the form and had it placed in his personnel file; correct?
A. I don't know if I suspended him in March or not.
Q. You don't remember suspending him in March?
MS. GORDON: He doesn't remember the date.
BY MS. BALIAN:
Q. Okay. So, did you suspend Corporal Furman earlier that year?

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A. Yes.
Q. And you had the form completed and signed it and had it put in his personnel file; correct?
A. I believe so, yes.
Q. So, you've testified here today that you were prevented from calling all of the witnesses that you wanted to call at your removal hearing.
Did you put an objection on the record saying you were not -- you're rejecting because you weren't able to call all the witness you wanted to call?
A. Yes.
Q. When did you do that? On the first day or second day?
A. I think it was probably both.
Q. And --
A. I was told they were cumulative.
Q. And did you do it as like one objection, or did you do it like each time?
A. I believe I mentioned it several times when I was told I wouldn't be allowed to call more witnesses.
Q. But you don't recall who those witnesses were?
A. No, I do not.
Q. If you can turn to page 23 of the Amended Complaint for Removal?
A. I'm sorry. Page 2- --
Q. 23.

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A. 23.
Q. And this is pertaining to Count 5, which is the "Willful Misconduct in Office by the Usage of Profanity, Vulgarity and Slanderous Statements Directed Towards Elected and Appointed Public Officials."
Now, you would agree that the City presented witnesses who testified that they had heard you refer to the mayor in a variety of disparaging terms; correct?
A. Correct.
Q. And would you agree that those witnesses were officers Furman, Easton and Kennaley?
A. Yes.
Q. And the testimony -- a summary of the testimony of those officers included that you referred to the mayor as "corrupt," "a bitch," "stupid," "a stupid bitch," and that she was sleeping with Mike Goch and other similar testimony.
Would you agree with that?
A. I believe that's what they testified to, yes.
Q. And there was also testimony from officers that you referred to the Melvindale City Council as corrupt and on the take; correct?
A. I don't recall that testimony but it's possible.
Q. And you presented testimony, through yourself and other officers, that you had not made such statements;

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correct?
A. Some of the officers, yes.
I was not allowed to call all of them.
Q. But you did present some officers; correct?
A. A couple, yes.
Q. And as I recall, those officers were -- I think we went over them earlier -- Officer Welch, right, and Detrich? Is that correct?
A. I believe so.
Q. And Meador and Jones; is that correct?
A. I believe I called them.
I don't believe I called them all for this particular count.
Q. And you agreed at the removal hearing that it was up to the city council and mayor to assess the credibility of the witnesses and determine the weight of the evidence brought before them; correct?
MS. GORDON: This is an argumentative question. Go ahead, Chad.
A. I'm sorry. Could you rephrase the --
MS. GORDON: Did you agree to that at the hearing.
BY MS. BALIAN:
Q. Did you agree at the removal hearing that it was up to the city council and mayor to assess the credibility of the witnesses that they heard and determine the weight

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of the evidence?
A. I think so.
Q. You agree that you did not have issue with the previous towing company, Gene's Towing, that handled the towing services for the City of Melvindale; correct?
A. No, I did not have an issue with them.
Q. What period of time did they handle towing for the City of Melvindale?
A. I don't know when they started.
I believe the City went with Goch Towing in 2015, if I'm not mistaken; June of '15.
Q. So, you became chief in what month of 2012?
A. June.
Q. Was Gene's Towing there then?
A. I believe they were.
Q. Okay. What about when you were an officer?
A. When I was a police officer, they were -- when I was a road officer, they were not towing for the City.
Q. Who was?
A. Oh, geez.
There was a tow company at Pelham and Van Born. I don't recall their name.
I think the company after that was Howard's Towing.
Q. What? I'm sorry.
A. Howard's Towing.

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Q. Howard's. Okay.
A. I think Gene took over from Howard's, but I'm not positive.
Q. Okay. Approximate time frame you think that Gene's took over from Howard's?
A. I don't know. I would say I was probably a -- probably a sergeant, but I don't remember.
Q. And what time frame were you a sergeant?
A. I think that was in '99 when I started, when I was promoted to sergeant.
Q. Did you ever see -- hands off -- see a contract with Gene's Towing?
A. Yes.
Q. Where?
A. I believe it was in the city clerk's office, and I think there was a copy in the chief's office.
Q. Okay. When did you see that?
A. Oh, I take that back.
There was -- another copy was in previous corporation counsel's office in the building. I believe she had a copy of that as well.
Q. When did you see that?
A. I'm going to guess 2012 or '13. I think I was the chief then.
Q. Okay. It's my understanding city council asked you for

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a copy of that contract of Gene's Towing contract. Is that correct?
A. I don't recall if they asked me for it or not.
Q. If they did, were you able to provide it to them?
A. I have -- I have no recollection of that.
Q. And it's your allegation, correct, that there was a supposed towing ticket quota started after Goch & Sons was awarded the towing contract; is that correct?
A. Yes.
Q. You never directed any of the officers to issue a predetermined or specified number of citations, including those which included towing; correct?
A. No, I did not.
Q. You were the executive head of the police department; correct?
A. At what time?
Q. When you were chief of police.
A. Yeah.
Q. Okay. If you didn't give an order to write a specified or determined number of tickets involved towing, then who did?
A. Both police unions had various conversations with the mayor and the city administrator when they were discussing contractual issues, and both of those parties stated to both unions --

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Q. "Both of those parties."
What parties?
A. The mayor and the city administrator, that the officers -- there was a back and forth on whether officers were going to get a raise or not, and the city administrator and the mayor told both union -- both unions that the only way the officers could get a raise is if the towing remained at a certain level. And that information was relayed to me by those union reps.
Q. And who are these union representatives?
A. For the Melvindale Police Officers' Association, it would be Thompson and Hinojosa.
For the supervisors, it was -- I believe it's Dan Jones, Don Meador and Mike Welch.
Q. Dan Jones --
A. Don Meador, M-e-a-d-o-r.
Q. Yeah.
And?
A. Mike Welch.
Q. So, you were saying, supposedly, that discussions went on about a raise, and if this happens then this --
MS. GORDON: He already answered your question.
BY MS. BALIAN:
Q. -- is that correct?
I'm just making sure I have it correct.

MS. GORDON: Well, the way you repeated it, I don't think, is exactly correct. But it is on the record; what he said. We could read it back.
MS. BALIAN: I want to make sure it's correct.
BY MS. BALIAN:
Q. So, if the officers want a raise, then the towing has to remain at this level?
A. I don't believe they said "this level." I believe they said a certain level.
Q. A certain level, whatever that level was.
What was that level?
A. I don't have that information.
Q. When did these discussions supposedly take place?
A. I believe that would have been in 2015 and '16.
Q. Do you know when in 2015, 2016?
A. No. I don't recall.
(Discussion held off the record.)
BY MS. BALIAN:
Q. Which contract negotiation are you referring to?
(Outside interruption.)
BY MS. BALIAN:
Q. You can answer.
A. I believe there was a wage re-opener in one or both of those contracts at the time, and I believe that's when those discussions took place.

Q. What did you -- a "wage re-opener"?
A. Yes.
Q. And do you recall who all was at these meetings?
A. I was not there, so I'm not positive.
Q. Why weren't you there?
MR. COOGAN: Do you need a minute?
MS. GORDON: Hmm?
MR. COOGAN: Do you need a minute or --
MS. GORDON: No. I'm just standing up.
A. I didn't think it was my place to sit in on negotiations between the City and the officers. I felt that I shouldn't be negotiating against the officers because I was one of the police officers.
So, I removed myself from negotiations to allow the City and the unions to negotiate the new contract, and if the City had any questions regarding administering our policy changes or whatever that could be affected by the contract, then I would discuss those with the City. But I didn't want to put myself between my police officers and the City.
BY MS. BALIAN:
Q. Okay. So, you don't know who was at the meetings?
A. Only the people that you asked and whose names I've given.
Q. Because they were union representatives?

A. Yes.
Q. Okay. Where did the meetings take place?
A. I don't know. I believe council chambers but I could be incorrect.
Q. And you believe it had to do with both contracts?
A. I believe so.
Q. You never directed the Melvindale officers to make a specific number of stops per day or write a specific number of tickets; right?
A. No, I did not.
Q. Do you know if anybody else did?
A. I don't know.
Q. Do you have any evidence that anybody else did?
A. Only the comments that were made to me by the union reps in conjunction with those negotiations they had ongoing with the City.
Q. Okay. But that isn't evidence of whether officers were given a directive to make a specific number of stops.
A. Correct.
Q. Okay. So, do you have any evidence that officers were given a directive to make a specific number of stops per day?
A. No.
Q. Or write a specific number of tickets per day?
A. No.

Q. And you testified at the removal hearing that there was no incentive whatsoever for officers to issue towing tickets; correct?
A. Is that towing or tickets or --
Q. You said "towing tickets."
A. I think the only incentive they would have had was in conjunction with their labor negotiations, but aside from certain numbers, I don't know.
Q. Did you testify at the removal hearing that there was no incentive whatsoever for officers to issue towing tickets?
A. I'm not sure if that's the exact language, no.
Q. Did you testify truthfully at the removal hearing?
A. I did.
Q. You never lodged a complaint with the Public Safety Commission or the city council claiming there was a ticket quota in the City of Melvindale, did you?
A. No.
Q. You only made that allegation after you were removed from your position as the police chief; correct?
A. No.
Q. Well, if you didn't make a complaint prior, then how did you make a complaint?
A. I told a number of the officers that the City was going to fire me if the tows didn't stay at an elevated level.

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Q. Okay. Who was your -- who supervised your employment at the City of Melvindale?
A. Well, I answered to the Public Safety Commission for policies and rules, and the city council for expenditures and purchases.
Q. Okay. Did you ever inform somebody of authority above you that you believed there was a ticket quota in the City of Melvindale?
A. No.
I didn't want to get fired.
Q. And you never raised that at the removal hearing that you believed that this was supposedly the real reason of why you were being removed; correct?
A. I attempted to cross-examine some of the witnesses to their motives, which would have led to that, and I was not allowed to do so.
Q. Who did you try to cross-examine on that issue?
A. Patrick Easton and Matthew Furman.
Q. You're saying you were not allowed to ask Matthew Furman the number of tickets he issued?
A. No. I didn't say that. I just said I wasn't allowed to ask him certain questions.
Q. Like what?
A. What his motive was for testifying at my hearing. I wasn't allowed to delve into the fact that he was lying.

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I wasn't allowed to get documents that proved that he was lying at my hearing because the corporation counsel said I asked for them at too late a date.
It was any number of issues I raised with Furman's and Easton's testimony but I was not allowed to delve into it --
Q. Are you talking about the --
A. -- because Mr. Guzall said I was only allowed to testify to what I did and what I said. Nobody else.
Q. Are you talking about the documents you requested the day before your hearing or the day of your hearing on August 30th?
A. The action or the hearing, yes.
Q. Okay. There were, I believe, 17 or 18 days. It was issued to you on August 17th. Your hearing started on August 29th.
Why did you wait until August 30th to request the documents?
A. Because I could tell by the way the first day of the hearing was going that it really didn't matter what I did or said, but the documents would have proved that Easton and Furman were lying. So, three of the -- two of the three key witnesses against me on the City's behalf lied, and I wasn't allowed the documents to prove that.

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Q. What did you believe they were lying about?
A. They were lying about the alleged names that I called various people. They were lying about me telling them not to tow cars, and they were lying about why I was taking action or had taken action against either of them in disciplinary issues.
Q. So, you're saying they were lying about things that were told to them with not towing cars and names that they heard you call the mayor and/or city council?
A. They --
MS. GORDON: You mean -- go ahead, Chad.
BY MS. BALIAN:
Q. Those are the two things?
A. They testified that I said certain things and did certain things, and both of them lied.
Q. I'm just trying to -- as I recall their testimony, they're saying they heard you say that, and you're saying you testified, "I did not say that."
A. Yeah. They lied.
Q. Okay. I understand that.
A. Okay.
Q. All right. And then you also indicated that Easton had a -- you had background with Easton?
A. Yes.
Q. And you brought that out at the hearing?

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A. I tried.
Q. Well, I mean, I read it and I heard it. It --
A. There was more.
Q. Yeah. Okay.
And with Furman, I guess it's going to speak for itself. I don't recall you asking about any of that but --
A. Because I wasn't allowed.
(Discussion held off the record.)
BY MS. BALIAN:
Q. Are you aware that Mr. Welch later recanted the testimony that he provided at the removal hearing indicating that he did hear you refer to the mayor in a derogatory fashion?
A. That is my understanding, after he was threatened with termination, yes.
Q. Mr. Welch is retired.
You understand that?
A. My understanding is he is using sick and vacation time until August, when he will officially retire.
Q. Do you know how many tickets were issued in 2014 by the officers as a whole?
Not just towing.
A. Not off the top of my head, no.
Q. So, as a chief of police, if that number went down by

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2,000 tickets the following year, would that give you concern?
A. If -- I'm sorry. If I understand your question correctly, if the tickets for 2014 were 2,000 fewer than the previous year?
Q. Yeah.
A. Would that cause concern?
Q. Yes.
A. Yes, it would.
Q. Would you address it with your officers?
A. I would have to look at the data to see what the issue was.
Q. Would you bring it forth to the Public Safety Commission and say, "Do you know what? I've got a concern here. I'm going to look into it and find out what's wrong, what's going on"?
A. I don't believe that I brought that concern -- if what you say is correct -- to the Public Safety Commission.
I did supply city council and Public Safety with year-end summary reports. I don't recall being questioned that year regarding those reports.
Q. I didn't ask you if you were questioned. I just asked, if that, in fact, was true, if that's something you would have brought forth as your concern to the Public Safety Commission?

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A. And I've already said I would have to look at the data to see what the issue was.
Q. Do you recall talking to your officers about it?
A. In 2014?
Q. Well, it would have been in 2015.
A. For 2014 tickets; is that correct?
Q. In 2014 -- in 2015, 2,000 fewer tickets than in 2014.
A. Okay.
Q. Do you recall talking to your officers in 2014 or perhaps at the beginning of 2016 and saying, "Hey, guys, what's going on here? We have a reduction in tickets going on here. Is there something going on that I need to know about or --"
A. I don't recall that issue being raised.
(Discussion held off the record.)
BY MS. BALIAN:
Q. Do you recall when being asked about -- when being asked by the Public Safety Commission --
MR. COOGAN: Or council.
BY MS. BALIAN:
Q. -- or city council about tickets and why there was a reduction in tickets, that, "It just looks like all the bad guys must be going around Melvindale"?
MS. GORDON: What? Could you repeat that? Would you read that back, John?

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(Record repeated by the reporter.)
MS. GORDON: Who said "the bad guys"? I didn't follow your question. I'm sorry.
MS. BALIAN: That Mr. Hayse responded something to the effect of, "It looks like all the bad guys must be going around Melvindale."
A. I recall speaking with the Public Safety Commission when they asked me in 2016 about the number of tickets, and I supplied a number of excuses -- a number of reasons why tickets could be up or down, and that is one of the answers I provided.
BY MS. BALIAN:
Q. So, when Gene's Towing was provided the towing services, can you explain the procedure for payment that was in place for an individual coming to get their vehicle out of impound?
A. Sure.
The registered owner would come to the police station. They would pay the City the storage, the administrative fee, if it was in effect at that time, directly to the City, and they would pay Gene's Towing the fee for the tow bill directly to Gene's Towing.
Q. So, somebody from Gene's Towing would have to meet the person there at the police department?
A. Yes.

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They had to come anyway to open the gate to allow the person to get their vehicle out. So, they came and got paid and then went to open the gate.
Q. Okay. So, you've got a situation there where the person is paying Gene's and the person is paying the City and then what?
A. After the transaction was completed, the person would either ride with Gene's down to the impound yard to get their vehicle or have somebody that they came with go down to the impound yard to get their vehicle.
Q. What type of documentation was provided by Gene's; if any?
A. For what?
I don't understand the question.
Q. For the transaction that just took place.
A. I think they had a triplicate like half size sheet of paper with information on it.
I don't know. I didn't get into their business side of their paperwork. They would bring our copy of the tow tag back, and then we would staple their copy and our copy together to show that the vehicle was released.
Q. Okay. But there wasn't an invoice of any type sent by Gene's to the City or anything because the payment just took place by cash being exchanged right there? Cash or

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however -- whatever type of payment it was?
MS. GORDON: What would Gene's pay the City for? What are you referring to?
BY MS. BALIAN:
Q. That's what I'm asking you.
MS. GORDON: Well, that's not what you asked.
If you understand the question, go ahead.
A. I'm confused.
BY MS. BALIAN:
Q. So, how was Gene's paid for their services for the City?
MS. GORDON: It's been asked and answered. He just told you.
Go ahead.
A. The tow fee was paid by the owner of the vehicle.
BY MS. BALIAN:
Q. Okay. So, it's split? The individual pays for their portion to Melvindale and their portion to Gene's right there, and it's just split right there and the person goes to get their vehicle?
A. Yes.
Q. How do you know it's correct?
A. The desk supervisor checks the number of days that the car was in the impound yard, including either portion of the first and last day. It's not a 24 hour thing. It's a daily thing. And if the administrative fee was in

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effect at the time, then the fee would be added to the bill. And then the officer would complete a cash receipt, showing the tow tag number, which also should have the admin fee, if applicable, and the daily storage fee on the receipt.
Q. So, the officer had to do all this?
A. The officer had to do the receipt for the cash that they received and then drop the cash in the cash box.
Q. And then the cash box -- so, the cash box it kept with the officer there at the police station?
A. Yes.
Q. And where is the impound yard?
A. The impound yard is located on Wall Street just south of Greenfield about two and a half blocks from the police station.
Q. Who owns the impound yard?
A. City of Melvindale.
Q. And how were the fees determined?
MS. GORDON: The impound fees?
He just told you that.
BY MS. BALIAN:
Q. Was there a fee schedule of any sort?
A. Yes. The fees were approved by city council.
Q. Who set the fees up?
A. City council.

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Q. And was that determined with Gene's?
MS. GORDON: Gene's didn't get the impound fee. I don't --
MS. BALIAN: Can you let your client answer? It would be really appreciated.
MS. GORDON: Okay. Look, Melinda, your questions are not based in what occurred, nor what he said. So, it's very confusing.
MS. BALIAN: If he doesn't know, he can say he doesn't know.
MS. GORDON: He said it was split. He knows. He already told you, but now you're conflating two things.
MS. BALIAN: He just said they came in and paid.
MS. GORDON: For the impound fee, and they paid Gene's directly for the tow. That's what he told you.
So, your question didn't make any sense.
BY MS. BALIAN:
Q. What were they paying -- what were they paying according to? A schedule, you said? A fee schedule?
A. They were paying the tow fee based on the contract that they the City had with Gene's.
Q. Okay.
A. And they were paying the other fee, the admin fee, if it was applicable at the time, and the daily storage fee that were set by city council.

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Q. Okay. And do you have a copy of that anywhere?
MS. GORDON: A copy of what?
BY MS. BALIAN:
Q. This fee schedule that you're referring to that you said city council approved.
A. I do not have it. It's posted at the front desk at the back -- at the front of the receipt book.
Q. Okay. So, when Goch & Sons was awarded the contract, did the procedure for payment change?
A. Yes.
Q. Okay. How did it change?
A. It changed that the person paid the -- at the police desk the entire amount of all the fees and the towing.
Q. Which included what?
Why don't you go over them.
A. The towing fee, the admin fee, the storage fee, if there was a dolly fee. They added a bunch of new fees with the new contract. So, we posted those fees at the desk so that the public and the officers would know what those fees were.
Q. Okay. And then would Goch & Sons then send a monthly invoice to the City of Melvindale to collect their portion of those fees for each individual that paid?
A. That is my understanding.
I did not receive that invoice.

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Q. Because it was sent to the city administrator?
A. Yes.
Q. Okay.
A. Initially the city administrator wanted me to handle verifying those invoices and sending it in for payment, and I told him that I wouldn't do it.
(Deposition Exhibit 10 marked for identification.)
BY MS. BALIAN:
Q. I'm showing you what's been marked as Exhibit 10.
Do you recognize this as a portion of the operational policies regarding the impounding of vehicles?
A. Yes.
The page has other items on it as well, but, yes, I do.
Q. Other than the directive that you gave to Officer Furman in April of 2016, do you know of any directives given by you or anyone else regarding the impounding or towing of vehicles which did not comply with this policy?
A. There have been a number of communications issued by various chiefs. I don't recall if any of them had to do with that or not.
Q. Let's talk about when you were chief of police.
A. I don't believe so, if I understand your question.

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MR. COOGAN: Can I have a moment?
MS. BALIAN: Yeah.
(Short recess at 12:55 p.m.)
* * *
(Record resumed at 1:10 p.m.)
BY MS. BALIAN:
Q. Mr. Hayse, did you do evaluations on any sort of annual basis on the officers?
A. No. I don't believe so.
Q. Did you do evaluations at all on the officers?
A. We did evaluations on all the new officers that were going through field training.
The previous chief stopped doing annual evaluations a number of years ago. I didn't start it again.
Q. Okay. So, is it fair to say that you didn't do any sort of evaluations, whether annually or otherwise, based upon the number of tickets officers wrote?
A. No, that's not fair to say.
Q. Okay. Then how am I wrong?
A. I provided monthly reports to the Public Safety Commission and the city council regarding the total number of violations issued, but I also knew which officers had issued those violations. I had that information in my office.
Q. How is that an evaluation?

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A. It's an evaluation --
Q. Let me correct that.
How is that an evaluation of their performance?
A. It's an evaluation of performance to see if it changed drastically over time to see if the officers were continuing to perform in a certain range.
Q. So, if they stopped issuing tickets, that would be a concern to you?
A. Depending on when those violations were or were not issued, it might be a concern.
Q. Can you explain that further, please?
A. Sure.
A number of years ago a previous chief started a traffic enforcement program and also an alcohol enforcement program, and sometimes the officers working those details on overtime would write a number of violations, but when they came in to do their regular work, they didn't write as many violations.
Q. So, that they could make more money on overtime?
A. The traffic enforcement was on overtime, yes.
Q. Okay. So, you would see an increase during the overtime hours, but not so much during their regular shift hours?
A. Yes, under the previous administration.
Q. Okay. So, you would watch to make sure that that did not occur during your reign?

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A. We didn't have the alcohol enforcement program, so I didn't have that opportunity to see if officers were still continuing to -- some of them -- perform during the alcohol enforcement and not under the regular shift.
Q. Okay. Then why -- how would you use it for performance?
How would you use your -- why you were keeping track of the number of tickets for performance reasons?
MS. GORDON: He's already explained this.
MS. BALIAN: Well, he just said that they didn't use it any more for alcohol --
MS. GORDON: Okay.
Go ahead, Chad.
MS. BALIAN: -- because they didn't have that any more.
BY MS. BALIAN:
Q. So, how would you use it?
A. We didn't have the alcohol enforcement program, so I didn't have the opportunity to evaluate that program.
Q. Okay. So, did you use it at all for evaluating?
A. Like I said, we used -- I used it to evaluate the new officers who were under field training and were being evaluated daily, and I would monitor the total number of violations issued on a monthly basis.
Q. Okay. That doesn't -- that explains how you monitored the field officers.

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How would you use it for evaluating the other officers?
A. I said we -- I would evaluate the total number of violations issued by all of the officers on a monthly basis.
Q. Okay. For what purpose?
MS. GORDON: He just explained it to you.
A. To see if they changed from month to month.
BY MS. BALIAN:
Q. Okay.
MS. GORDON: If there was a drastic reduction. That's what he said.
BY MS. BALIAN:
Q. And if there was a drastic reduction, would that be a concern to you?
MS. GORDON: He said yes.
This has all been covered.
BY MS. BALIAN:
Q. I didn't hear you say "yes."
MS. GORDON: Well, sorry.
BY MS. BALIAN:
Q. Did you say "yes"?
A. I believe I answered that "yes."
Q. Okay. What would a drastic reduction be to you?
A. In regard to what?

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Q. You said if there was a drastic reduction, it would be a concern.
So, what would you define a drastic reduction to be?
A. For the number of violations written?
Q. Yes.
A. Like -- you know, I don't remember how many they were writing on a monthly basis. I would have to look to see what they were doing month-to-month and if it was -- you know, how much it would -- fluctuated up or down.
Q. Say --
A. I don't have a number.
Q. -- an officer wrote a hundred less violations per month in the following year, would that be a concern to you? Than the previous year?
A. A hundred less would be a drastic number.
MS. BALIAN: Anything else?
(Discussion held off the record.)
BY MS. BALIAN:
Q. Did you ever tell the officers or infer to the officers that they were not to tow vehicles for Goch & Sons?
A. No, I did not.
Q. Did you ever tell the officers or infer to the officers that they were not to write tickets which involved towing --

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A. No, I did not.
Q. I didn't get the whole question out.
A. I'm sorry. Go ahead.
Q. Did you ever tell the officers or infer to the officers that they were not to write tickets which involved towing when Goch & Sons was the towing service?
A. No.
(Discussion held off the record.)
BY MS. BALIAN:
Q. Did you ever tell the officers that they were not to make Goch & Sons any money?
A. No.
Q. Are you currently employed?
A. Yes.
Q. Where?
A. I have two part-time jobs. I work for Olympia Entertainment at Little Caesars Arena, and I work as a field technician for Expert Technology Services.
Q. Okay. Do you work directly for Olympia?
A. Yes.
Q. How often do you work?
A. Generally one day a week.
Q. Can you increase that?
A. It's possible. It depends on the number of crowd managers that they require and the number that volunteer

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to work each specific event.
So, it is possible.
Q. And what do you do for them?
A. Crowd manager.
Basically, I work security at the metal detectors at the door. On occasion, I'm assigned as a response team to respond to various events either on the lower concourse or the upper concourse depending on which area I'm assigned to. And on occasion I'm assigned to the floor during concert events.
Q. Have you requested to increase the time that you work there?
A. I have. I have requested to be a full-time employee twice, and I didn't get either position.
Q. So, you submitted an application for full-time, or how did that work?
A. I submitted a resume for two open positions when they moved from the Joe Louis Arena to Little Caesars Arena.
Q. Okay. What about just request to work more than one day a week?
A. Like I said, I could do that, but it's not a guarantee that you'd get to work the events.
Q. And what was the other position?
A. I work part-time for -- as a field technician for Expert Technology Services.

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Q. And what does that entail?
A. ETS provides IT support for various municipalities and police and fire departments.
Q. IT support.
So, what do you -- give me a day on the job.
What do you do?
A. You know, it really varies. There are times when I'm sent to check on a personal computer at a police or fire department to see if there's an issue with it. There are times when I'm taking apart -- physically taking apart networks and cabling. And then there are times when I'm installing networking cabling or doing the engineering work and planning to help with proposals and bids for new site locations.
Q. There were copies of checks that you produced in response to Defendants' Request for Production.
I can get them if I need to go copy them off.
I don't recall that they were from ETS or the name of it that you just said. They were for, I think, like $800 like maybe every two weeks or maybe every week.
Was that for this field tech job?
A. I'd have to see the check.
I had a different job last year. That might be an old pay stub.
Q. What was that for?

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A. That was a security job for secured -- armed security.
I believe the name of the company is K.T., "T" like Tom, Securities out of Allen Park.
Q. I don't think it was K.T. Securities, but K.T. something rings a bell.
A. Okay.
Q. Are you sure it was K.T. Securities?
A. It was K.T. something. I don't remember what the other word was.
Q. How much were you paid?
A. I believe that was $20 an hour.
Q. How often were you paid?
A. I think that was every week.
Q. And who were you securing?
A. They have a number of contracts for various construction sites. I worked primarily -- or I should say exclusively at that I-75 construction area between Northline and --
MS. BALIAN: Leaving?
A. -- the Rouge River Bridge.
MS. BALIAN: Okay.
MS. GORDON: I'm stepping out. Ms. Marzotto Taylor is going to take over.
MS. BALIAN: Okay.
(Ms. Gordon leaves the room.)

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BY MS. BALIAN:
Q. Who prepared your tax returns for 2016?
A. I believe I did.
Q. You didn't have a CPA do them? A firm?
A. No.
Q. And they're filed?
A. For 20- --
Q. '16.
A. '16?
Yeah.
Q. I'm not trying to trick you.
A. Sorry.
Yes, I filed taxes in 2016.
Q. Have you done your 2017 returns yet?
A. No.
Q. And will you be preparing those, or are you going to have somebody do them?
A. I will probably have somebody do them.
Q. Okay. Do you know who?
A. No.
Q. So, other than your job at Olympia, with this ETS and with K.T., have you worked anyplace else since you left Melvindale?
A. No.
Q. Have you received any W-2's from any entities since

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leaving employment with Melvindale?
A. Olympia Entertainment.
Q. Okay. And what about any 1099s?
A. I believe I got a 1099 from ETS for calendar year 2016.
Q. Okay.
A. And I've got 1099s from the K.T. and ETS for calendar year 2017.
Q. Okay. Do you own or have any ownership interest in any entities?
A. I have my own company.
Q. What's the name of it?
A. Hayse Security Consultants.
Q. When did you start it?
A. 2017. '17.
Q. So, did ETS hire Hayse Security Consultants or did they hire Chad Hayse?
A. They hired me.
Q. Are you paid through Hayse Security Consultants or are you paid directly?
A. I am paid directly.
Q. Has Hayse Security Consultants received any compensation?
A. Yes. From the other security company.
Q. From the other security company which is what?
A. K.T. Avengers or Security or whatever the other word is.

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Q. That's all that Hayse Security Consultants has received?
A. Just from the security company, K.T. whatever, yes.
Q. Have you received any other compensation since leaving Melvindale?
A. I was paid for my accrued sick and vacation time by the City, and as of November 1st I started collecting my pension.
Q. And how much do you receive -- you receive that on a monthly basis?
A. Yes.
Q. How much do you receive per month?
A. I'm not sure of the exact number. It just changed last month.
Somewhere around $3,000 a month.
Q. Where have you applied for employment since leaving Melvindale?
A. I've applied for three positions with Olympia Entertainment. I applied to work at Providence Park Hospital in Novi. I've applied to work at -- where is that company at?
California, I think. I don't remember the name of the company. They do drug testing for professional sporting teams.
Where else have I applied?
I applied at, I believe, the City of Ann Arbor

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Police Department and the University of Michigan Dearborn Police Department, I believe. I think those are both after.
Q. Dearborn Police Department, did you say?
A. University of Michigan Dearborn Campus.
Q. Okay.
A. I know I've got some other resumes out. I don't recall the other locations at this time.
Q. Did you apply at Oakwood Hospital?
A. You know, I was looking at Oakwood. I don't know if I did or not. I had heard some negative things from a friend of mind at Oakwood. So, I know I looked at it, but I don't know if I applied or not.
Q. For Ann Arbor P.D., for what position did you apply?
A. I believe it was deputy chief.
Q. Did you receive a response?
A. I did.
Q. What did they say?
A. "Thank you for submitting your resume."
Q. That is all?
A. "You're no longer being considered."
THE REPORTER: I'm sorry?
A. "No longer being considered."
THE REPORTER: Thank you.
A. I'm sorry. I also applied to do Director of Security at

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Google's campus in Ann Arbor.
I received a negative response for that one, too.
BY MS. BALIAN:
Q. What about University of Michigan Dearborn?
A. I think I just got a negative response via e-mail.
Q. "A negative response" being what?
A. "Thank you for applying for the job. We're not hiring you."
Q. Okay. And Providence Park Hospital?
A. I was actually hired by Providence Park Hospital. I went and got a uniform and ID card and went through orientation, and the Friday before I was supposed to start on Monday, they contacted me and said that Human Resources would not allow them to hire me based on the information they received from Melvindale. So, they sent me a letter telling me not to report to work.
Q. What information?
A. They didn't say.
Q. And when was that?
A. I believe it was in 2016.
I'd have to check the date.
There was another place but I can't remember the name of it.
(Discussion held off the record.)
BY MS. BALIAN:

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Q. Where do you currently have bank accounts?
A. I have bank accounts at Dearborn Federal Credit Union and Bank of America and the Lincoln Park Credit Union.
Q. Did you say "Lincoln Park"?
A. Lincoln Park Credit Union, yes.
They used to have payroll deduction from Melvindale.
I'm sorry. I think they still do but I don't.
Q. Understood.
But you have active accounts at those three?
A. Yes.
Q. Okay. Are you claiming emotional distress damages?
A. Yes.
Q. As a result of your removal from your position at Melvindale?
A. Correct.
Q. Have you sought any treatment for your alleged emotional distress damages?
A. Yes.
Q. From who?
A. Joseph Zambo, Z-a-m-b-o.
Q. When did you start treating with him?
A. It was 2016. I want to say November or December of '16. I'm not sure which month it was.
Q. Is he a doctor? Is he a therapist? Psychiatrist? What

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is he?
A. **Psychologist, I believe.**
Q. Okay. Where is he located?
A. **I believe it's Northville. He works for Alpha Psychological Services.**
Q. And does he have anybody prescribe medication for you?
A. **After consulting with Dr. Zambo and my primary care physician, I was put on two types of medication, yes.**
Q. Which are what?
A. **Celexa and Ativan.**
Q. For what?
A. **For depression and PTSD.**
Q. Have you ever been diagnosed with depression before?
A. **No.**
Q. Have you ever been diagnosed with PTSD before?
A. **No.**
Q. Have you ever been on Celexa before?
A. **I was.**
Q. When?
A. **When I was going through my divorce in 2009.**
Q. Who were you treating with at that time?
A. **My primary care physician, T.J. Hassan, H-a-s-s-a-n, in Dearborn.**
Q. Is he with a group or is he on his own?
A. **He's on his own.**

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Q. Do you happen to know his full name, or does he go by "T.J."?
A. **He goes by T.J.**
Q. An Arabic name?
A. **I don't know what it is.**
Q. What road is he located on in Dearborn?
A. **Monroe, between Outer Drive and Oakwood.**
Q. How long have you treated with Dr. Hassan?
A. **Wow.**
I want to say 1988, '86. It's been a long time.
Q. Okay. How long were you on Celexa when you started it?
A. **About a year.**
Q. Have you ever been on Ativan before?
A. **No.**
Q. Have you ever been on any type of drugs to help -- any mood-stabilizing drugs or any type of drugs to help with depression in the past --
A. **No.**
Q. -- other than Celexa?
A. **Just Celexa.**
Q. Okay. Have you ever treated with any other health professionals other than Dr. Hassan and Dr. Zambo?
A. **My -- my children went to see a different therapist in conjunction with my divorce.**
So, I spoke with that therapist based on what my

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children needed but it was not for myself.
Q. Did you meet with that therapist alone or was it with your children?
A. **Both.**
Q. And what's that therapist's name?
A. **Oh, geez.**
Solomon, I think, was the last name. I don't recall the first name.
Q. Okay. Man or woman?
A. **Male.**
Q. Where?
A. **His office is on Allen Road, south of Sibley.**
I don't know if that's Woodhaven or Trenton or --
Q. Okay. That's outside of my bubble.
A. **All right. It's between West Road -- or no.**
Yeah. Between West Road around Sibley and Allen Road. I think that's Trenton or Brownstown. I'm not sure.
MS. BALIAN: Okay. So, what city is that?
MR. COOGAN: It might be Woodhaven.
A. **I don't know if it's that far south.**
MR. COOGAN: Give me the intersection again.
A. **It's Allen Road between Sibley and West on the --**
MR. COOGAN: I think it's Woodhaven.
A. **-- west side of the street.**

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MR. COOGAN: I think it's Woodhaven.
BY MS. BALIAN:
Q. Do you know if that individual is still practicing?
A. **I do not.**
MR. COOGAN: Riverview -- it might be Riverview.
BY MS. BALIAN:
Q. How times did you see him?
A. **I don't know. Ten, fifteen, maybe.**
Q. Alone?
A. **No.**
Q. How many times did you see him alone?
A. **It was in combination with my kids.**
Q. How many times did you see him alone?
A. **A few. A couple. Less than five, I would say.**
I'm sorry. You asked a question about income. Can we go back to that for a second?
Q. Sure.
A. **Because I remembered something else.**
Q. Yes.
A. **I have an annuity based on a civil lawsuit that was filed in the seventies, a wrongful death lawsuit. So, I have an annuity that pays me a sum of money every month.**
Q. How much per month?
A. **$4,661.**
Q. $4,661 --

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A. Yeah.
Q. -- or $46?
A. No. $4,661.
Q. Okay. Quite a difference there.
A. There is quite a difference.
Q. Just wanted to clarify.
Okay. Who died that resulted in your receiving this?
A. My mother.
Q. Sorry.
When did -- what year did she die?
A. 1974. I was six.
Q. In this lawsuit, you produced documents regarding Mike Goch purchasing property in Melvindale.
Why do you think those are relevant to this lawsuit?
MS. MARZOTTO TAYLOR: I'm going to place an objection. I think that calls for a legal conclusion.
BY MS. BALIAN:
Q. You can go ahead and answer.
A. I have no idea what you're talking about.
Q. You didn't know that they were provided?
A. I don't know what Mike Goch owns and doesn't own. I have no idea.
(Discussion held off the record.)

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BY MS. BALIAN:
Q. Have you been to Mike Welch's property up north?
A. No.
Q. Never?
A. No. None of them.
Q. I'm sorry?
A. None of them.
Q. He has more than one?
A. He did.
I don't know whether he still does or not.
Q. I was talking about the one in Prudenville.
A. I don't know where any of them are at. I know he had more than one. I don't have any idea.
Q. Have you ever accompanied Paul Ott up north to his property?
A. No.
MS. MARZOTTO TAYLOR: I'm going to place another objection as to relevance.
BY MS. BALIAN:
Q. I know that you've indicated here today that you believe that you were denied the ability to call all of the witnesses that you wanted to at your removal hearing.
Is there anything else that you're claiming that you were prevented from doing at your removal hearing?
A. Oh, yeah.

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I was prevented documents that I requested in advance.
Q. The documents on August 30th that we talked about earlier?
A. I believe there were others, but those specifically, yes.
I was denied the ability to question witnesses completely.
Q. Who?
A. All of them.
I was denied the ability to question the witnesses' motives and to discover those motives in front of the city council so that they can make a better decision when listening to those witnesses. I wasn't allowed to question them.
I wasn't allowed the documents. I wasn't allowed to question all of the witnesses.
Q. What documents specifically are you claiming that you weren't provided?
A. The one that comes to mind initially is the evaluation between Goch & Sons and Gene's Towing employees that I had completed --
Q. These --
A. -- that was sent to --
Q. The background check that wasn't the background check?

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Is that what you're talking about?
A. Well, a background check to a police officer means a certain thing. It might mean something different to an attorney.
A background check to a police officer means you run it on the computer system. I did not --
Q. Not through LEIN? It wasn't a criminal background check?
A. Correct.
Q. Okay.
A. So, I wasn't allowed that information. In fact, the mayor said at that hearing that she never recalled getting that document and didn't know what I was talking about, and lo and behold, now my attorney has the document and we referenced it the other day with Mr. Marsee.
Q. Do you understand that simply because it's been produced doesn't change whether the mayor received it or not?
A. No.
Q. How do you not understand that?
MS. MARZOTTO TAYLOR: Argumentative.
A. It's addressed to the mayor and the city council. So, one would presume that the mayor and city council received a document that I gave them.
BY MS. BALIAN:

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Q. And I believe you testified at your removal hearing you did not e-mail it; correct?
A. No. I don't believe so. I believe I took it and put in their mailboxes.
Q. I believe you testified at your removal hearing you provided it to the clerk but that two of the city council members that were present at your removal hearing were not city council members at the time; correct?
A. I don't recall whether I said I gave it to the clerk or not. I believe I put it in the mailboxes for the mayor and city council.
And as far as the two council members not being on the council at the time --
Q. Densmore and Louvet; correct?
A. No.
Michelle Land --
Q. Correct. I'm sorry.
A. -- and Steve Densmore.
Q. I apologize.
So, they were not on the city council at the time you allegedly provided that to the mayor and city council; correct?
A. That is correct.
Q. And what other documents?

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A. I don't recall off the top of my head as I sit here today whether -- any other documents, but that was the important one.
Q. Okay.
A. Because I was accused of doing something for one company and against the other, and that's incorrect.
Q. Okay. On the background check that you indicated you ran, they were not criminal background checks; correct?
A. That's correct.
Q. Okay. So, you ran them through a system to see what -- if any of them had received tickets; correct?
A. No.
Q. Okay. Then explain what the check was.
A. The check is in a records management system that Melvindale shares with 15 other communities. What I did was go in on the Employer box, Employer tab, and enter "Gene's Towing" and then "Goch & Sons Towing" into that field, and looked at the summary of the reports and tickets and accidents associated with the individuals who identified themselves as employees of Gene's Towing or Goch & Sons Towing.
Q. For what time period?
A. I don't recall.
Q. Okay. So, did you have any verification that what was entered in there at the time that you did this check

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were current employees of Goch & Sons and Gene's Towing at the time that their bids were put in for the contracts?
A. No, I did not. And I voiced that disclaimer that it didn't necessarily mean that all those people were current employees, just that they had identified themselves as employees of both -- of either company during the time that those events, the police reports, the traffic citations and the accident reports, were taken.
Q. Why were those documents relevant to your removal hearing?
MS. MARZOTTO TAYLOR: Again, I think that question calls for a legal conclusion.
MS. BALIAN: Well, he represented himself at the removal hearing.
BY MS. BALIAN:
Q. So, you can answer it.
MS. MARZOTTO TAYLOR: If you can, Chad.
A. I'm not an attorney but I thought it was important because the council was being told erroneous information regarding that document, and if I could show that the document detailed exactly what I said it detailed, then it meant that I was correct and I had the credibility, and whoever said the document was incorrect perhaps did

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not have had the credibility, and it could have swayed the council making a better educated decision.
BY MS. BALIAN:
Q. But you weren't charged with improperly doing any sort of background check with regard to either one of them; correct?
A. I was not but yet it was brought up at the hearing over and over.
I was also not charged with telling officers not to tow vehicles, but it was brought up over and over.
Q. Count 3 refers to the "Willful Misconduct in Office upon the Usage of Towing Services Necessary for the Proper Enforcement of the Uniform Traffic Code"; correct?
MS. MARZOTTO TAYLOR: Counsel, are you referring to a particular page of that document?
MS. BALIAN: Bates stamp 368.
MS. MARZOTTO TAYLOR: Of the Amended Complaint?
MS. BALIAN: That's correct.
BY MS. BALIAN:
Q. Do you see where it identifies Count 3?
A. I do.
Q. And then it goes on to identify the specific charges in a number of paragraphs underneath, which documents you telling the officers not to tow vehicles for Goch & Sons; correct?

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MS. MARZOTTO TAYLOR: We've already stipulated that the document speaks for itself.
MS. BALIAN: Well, he just denied that this had anything to do with it. So, now I'm going to cover it again.
A. It does. If you look at Paragraph 17, the second line of the last paragraph -- I'm sorry -- the last sentence in Paragraph 17 on page 369 says:
"No background checks were obtained or performed upon the owner and/or employees of Gene's Towing."
That document would have shown that that's false.
BY MS. BALIAN:
Q. Okay. So, when you received this, why didn't you ask for the document --
A. I did ask for the document.
Q. -- instead of on August 30th?
A. I asked for the document. Mr. Coogan said that he didn't have enough time to give it to me. I even told him where the document was located.
Q. My question was, when you received this document on August 19th, you asked for the document that's referred to in paragraph 17 on August 30th, the --
MS. MARZOTTO TAYLOR: I think this has been already answered.

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BY MS. BALIAN:
Q. -- second day of the hearing.
Why did you wait until the second date of the hearing to ask Mr. Coogan for the document?
MS. MARZOTTO TAYLOR: Asked and answered much earlier today.
BY MS. BALIAN:
Q. You can go ahead and answer.
A. Because based on day one of the hearing, I could see this was going to be an issue. And if I could have had the document to show, it shows that I did exactly the same thing for both companies, and whoever wrote this lied and tried to hide the evidence.
Q. But you agree that council or at least the mayor indicated that she did not receive either background check; agreed?
A. That's what the mayor said at my termination hearing but --
Q. The removal hearing?
A. Yep.
But obviously that wasn't the case because now the document exists and we have it.
Q. Okay. The document came -- do you know whether the document came from the mayor?
A. I do not know where it came from.

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Q. Okay.
(Discussion held off the record.)
MS. MARZOTTO TAYLOR: Counsel, I think my client needs to take a short break.
MS. BALIAN: Sure.
MS. MARZOTTO TAYLOR: There's no question pending.
(Short recess at 1:50 p.m.)
* * *
(Record resumed at 1:57 p.m.)
BY MS. BALIAN:
Q. Do you recall, Mr. Hayse, appearing at the city council meeting, I believe it was in May of 2015, to speak on behalf of Gene's Towing for the -- during the bidding process?
A. I don't know if it was after the City received the bid or before.
I think it was after they receive bids.
Q. But you recall appearing there to speak on behalf of Gene's Towing?
A. I believe I was asked for my opinion. So, I gave my opinion, yes.
Q. Well, you actually appeared with Paul Ott for Gene's Towing, did you not?
A. It was a council meeting. I wouldn't have appeared for anybody but myself.

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Q. Did you appear with Paul Ott during the bidding process and speak on his behalf?
A. At a council meeting?
I don't believe so, no.
Q. At any point during the bidding process and speak on his behalf?
A. I gave my opinion of the two companies.
I don't recall if Mr. Ott was there or not there.
Q. And do you recall telling city council that you did a background check on Goch & Sons at the city council meeting?
A. I did a background check on both companies, yes.
Q. My question --
A. Not a LEIN check. Not a legal background.
Q. I didn't say LEIN check.
A. Okay. I just want to make sure.
Q. My question was, do you recall telling city council that you did a background check on Goch & Sons?
A. I believe so, yes.
Q. But your statement to them did not include that you did a background check on Gene's Towing?
A. No. I don't believe that's accurate.
Q. So, you believe you told them you did one on both?
A. Yes. I described in detail how I performed the records check from the records management system the same way I

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described it to you.
Q. And you were upset that Gene's did not get the towing contract. Is that fair to say?
"Upset" meaning disappointed, not happy.
A. I think that's fair.
Q. Can you agree in hindsight at least that it's probably a good thing, given Gene's Towing affiliation would with Gasper Fiore and given that he's been indicted for bribery of municipal officials for towing contracts?
A. I'm not that familiar with that individual but I would not want to be affiliated with him or his company.
Q. And it would not be good for the City of Melvindale to be affiliated with Gene's Towing given their being named in the press because of their affiliation with Gasper Fiore? Would you agree with that?
MS. MARZOTTO TAYLOR: The question calls for speculation.
MS. BALIAN: I'm just asking if he would agree with it.
A. I think there were a number of people that were connected with that individual that had no wrongdoing and had to come out and say they had no wrongdoing, including a judge in Detroit.
BY MS. BALIAN:
Q. But my question was, would you agree that it's good for

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the City of Melvindale not having been mentioned in any press of having any relationship with Gene's Towing given their relationship with Gasper Fiore?
MS. MARZOTTO TAYLOR: Again, calls for speculation.
A. I don't know the relationship Gene's Towing has with that individual. If it's a negative relationship, then I would say, yes, it's probably better not to be affiliated with him.
BY MS. BALIAN:
Q. Have you ever met him?
A. Who?
Q. Gasper Fiore.
A. I have no idea who that is.
MS. MARZOTTO TAYLOR: Relevance.
BY MS. BALIAN:
Q. So, do you know -- have you ever met him?
A. No.
(Discussion held off the record.)
BY MS. BALIAN:
Q. Were you ever questioned during the federal investigation of Gasper Fiore?
MS. MARZOTTO TAYLOR: Again, relevance.
A. No, I was not.
Can I ask a question?
MS. BALIAN: Sure.

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(Discussion held off the record.)
A. Thank you.
BY MS. BALIAN:
Q. Was Paul Ott; if you know?
A. Was he what?
Q. Questioned in the federal investigation.
MS. MARZOTTO TAYLOR: I think that calls for speculation.
MS. BALIAN: Not if he knows.
A. I have --
BY MS. BALIAN:
Q. Do you know?
MS. MARZOTTO TAYLOR: You can answer if you know, Chad.
A. I have no idea.
BY MS. BALIAN:
Q. Do you know of anybody that was questioned in the investigation of Gasper Fiore?
A. No. Not that I know of.
Q. Did you receive any subpoenas for the federal investigation of Gasper Fiore?
MS. MARZOTTO TAYLOR: Again, relevance.
A. No.
BY MS. BALIAN:
Q. Were you ever offered any bribe for towing contracts

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when you were chief of police for the City of Melvindale?
A. No.
(Discussion held off the record.)
MS. BALIAN: I don't have any further questions.
MS. MARZOTTO TAYLOR: I have some.
MS. BALIAN: Okay.
* * *
EXAMINATION
BY MS. MARZOTTO TAYLOR:
Q. Okay. Mr. Hayse, I'm going to direct your attention to Exhibit 8.
A. Okay.
Q. Right here.
This is the memo that you issued to Corporal Matt Furman on April 26, 2016.
Can you please explain why it was necessary for you to issue this memo to Officer Furman?
A. Officer Furman had violated the rules and regulations and policies of the department. In conjunction with an investigation into that violation, I spoke with his supervisor, Lieutenant Welch, and the psychologist that interviewed Corporal Furman on the City's behalf, and in conjunction with his union reps and himself, we decided to come up with something so that Corporal Furman could

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take a minute or so on his traffic stops prior to towing a vehicle to think about the totality of the circumstances.
He had, on a number of occasions, pulled infants out of cars. He pulled baby seats out of cars. He pulled old ladies in walkers out of cars, and basically I just wanted him to take a minute and think about the totality of the traffic stop and the offense committed by the driver and whether that could adversely affect any the passengers in the vehicle.
So, this was in consultation with a number of individuals and agreed to by Corporal Furman and both of his union reps.
Q. Okay. And you said that this resulted from a police department investigation that arose in conjunction with certain violations --
A. Yes.
Q. -- of the rules and regs and policies and procedures that Officer Furman had committed.
Can you maybe explain what some of those violations were?
A. You know, as I sit here today, I don't remember which violation this was.
There were any number of investigations into corporal Furman's behavior. This was just the next one

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at the time. I don't recall the specifics of the case.
Q. I believe you testified you spoke with Lieutenant Welch in connection with issuing this document.
Was Lieutenant Welch supervising Officer Furman's performance during this period?
A. Yes. Lieutenant Welch was a shift commander on day shift that corporal Furman was assigned to.
Q. Okay. And what had Lieutenant Welch observed vis-à-vis Officer Furman's behavior with regard to towing?
A. He observed that Corporal Furman was not using discretion at all and was not taking into account some of the innocent parties that were inside of the vehicles on traffic stops and just arbitrarily towing nearly 100 percent of the vehicles that he was capable off towing.
Q. And do you have documentation or information that Lieutenant Welch provided you in conjunction with this investigation?
A. I had it at one point in my office.
I don't have access to the office any longer, so I do not have the information.
Q. Okay. But that was a written statement of some kind?
A. Yes.
Q. Okay. Great.
A. I believe so.

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Q. And were there other officers who witnessed Officer Furman's lack of discretion, as you put it?
A. I would say probably every officer on the department.
Q. Okay. And did you -- do you have written statements from some of those officers as well?
A. I believe some of those would be in the various citizen complaints that Corporal Furman received while I was the chief.
Q. Okay. All right.
Okay. So, moving on from Exhibit 8, so you testified that it was your belief that the City had a towing quota that they wanted the police department to fulfill while you were the chief?
A. Yes.
Q. What evidence did you have that that towing quota existed?
MS. BALIAN: Objection. Asked and answered.
BY MS. MARZOTTO TAYLOR:
Q. Go ahead, Chad.
A. Aside from the statements from the union reps when they were negotiating pay increases with the City, I was constantly barraged by the city administrator, the mayor, city council members and the Public Safety Commissioners on a routine basis about the number of vehicles that were towed, and if there was even the

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slightest dip in the number of vehicles towed on a month-to-month basis, then I was getting questioned by those officials.
And I also had corporation counsel question me a number of times in open meetings regarding the number of tows per month.
Q. Okay. Any other indication from city council or other city officials that they wanted those towing numbers to be higher?
A. The City at the time when I was a chief was under a five year deficit elimination plan, and I don't believe that they were going to make that five year plan. So, there was a number of conversations that I had with the city administrator and the mayor and previous corporation counsel for the City regarding the revenue generated by the towing of vehicles, the storage of vehicles and the auctioning of vehicles.
Q. Okay. You've claimed that the City -- various City officials were displeased or dissatisfied with the fact that you disciplined Officer Furman in relation to, you know, the alleged police brutality incidents.
So, why do you --
MS. BALIAN: Objection. There's was no testimony as to that. Please stop leading --
MS. MARZOTTO TAYLOR: It's in the Complaint.

MS. BALIAN: -- the witness.
MS. MARZOTTO TAYLOR: It's in the Complaint.
MS. BALIAN: Well, he hasn't testified to that and --
MS. MARZOTTO TAYLOR: My question said he "alleged."
MS. BALIAN: -- it's not a verified Complaint. So, please don't lead the witness.
MS. MARZOTTO TAYLOR: I said that he "alleged" it. It's in the Complaint.
BY MS. MARZOTTO TAYLOR:
Q. Why do you believe that, Chad, or why did you allege that?
A. Corporal Furman was responsible for, I would say, between 70 and 80 percent of the tows of all the officers. So, 70 to 80 percent was by Furman. And I had recommended that he be terminated via e-mail to a number of city officials, including corporation counsel, the mayor, the Public Safety Commission and I believe the city administrator.
So, it was my position that Corporal Furman be terminated because of the two allegations of brutality that had surfaced in July of 2016, and if Corporal Furman was indeed terminated, then the City would be looking at a 70 to 80 percent reduction in the number of

tows by the officers.
Q. Okay. Let's see here.
You have testified and claimed in your Complaint that you believe that there was a predetermined result in mind that the City officials had prior to and during the August 29th and 30th termination proceedings that took place.
What evidence do you have of that predetermined result?
A. There's a logical and reasonable explanation for each of the five charges that I provided. And the limited ability I had to provide witnesses and get the documents that I could more than adequately exonerated myself from all five of these charges.
I found it interesting in the number of people that approached me after my termination to tell me that it was a forgone conclusion and that it was clear that I had vindicated myself, and the City had already made up their mind to terminate me.
And in fact, I was asked by at least two news agencies as I was walking to my vehicle to leave for that last evening if they -- if I thought that it was a pregone -- a forgone conclusion that I was going to be terminated and it didn't matter what I said at the hearing.

Q. Okay. Can you -- so, we've talked and you've testified today about some the ways that your, you know, wrongful termination has impacted you financially and some of the benefits that you haven't received.
Can you explain, are there any ways that your termination has negatively impacted you other than financially?
A. Yes. I lost between 10 and 12 pounds as a result of my termination. I laid about the house in my pajama pants and sweat pants for a number of weeks. I didn't want to leave the house. In fact, I didn't want to walk down the driveway because it felt like everybody was staring when I was walking down the driveway because I had been removed from office for misconduct, and I didn't do anything wrong. But I didn't want to walk down to the end of my own damn driveway and pick up my own mail because it felt like people were staring at me.
Q. Okay.
A. I didn't want to -- the place I got my hair cut for years is in Melvindale. I stopped going there.
My wife and a couple of her friends like to go to a couple of restaurants in Melvindale, and I don't want to go there any more. I drive around the city trying to avoid going through the city and being confronted by a couple of officers in particular.

I try not to drive through the city unless I absolutely have to. And if I go to lunch with my spouse, I don't drive. I'm afraid that I'm going to be targeted by some of the witnesses that testified against me at my hearing.
I -- it has affected my whole life.
Q. Okay.
A. I'm seeing a counselor. I'm on medication.
It's affected my relationship with my spouse. It's taken over a number of our conversations because it's just wrong what happened.
It seems so sad that you can work for 25 years as a dedicated public servant, and because you get in somebody's way, you're just cast aside like a piece of tissue; that your 25 years of service didn't matter and you never did anything good and you're just this horrible person.
And I can't even find a decent job equal to the position I had with the City.
MS. MARZOTTO TAYLOR: So, just for the record, I want the record to show that the witness is visibly upset and emotional when giving his testimony.
BY MS. MARZOTTO TAYLOR:
Q. Okay. Let's see.
MS. BALIAN: I'll object as to that. It's not your

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record to indicate how the witness is. It's a question and answer.

Go ahead.

MS. MARZOTTO TAYLOR: It's not a video deposition.

MS. BALIAN: Exactly. It's not a video deposition.

MS. MARZOTTO TAYLOR: Okay.

BY MS. MARZOTTO TAYLOR:

Q. Okay. Chad, you testified earlier today that you saw a therapist in connection with your divorce; how that divorce affected your children.

Can you explain when those appointments ceased?

A. I believe they started in '09. They ceased in 2010.

I was trying to get my children to see the counselor because my ex-wife had poisoned them against me, and so I went to court to get an order from my divorce judge for -- that my children see a therapist.

And my ex-wife interfered with bringing the kids to the hearings and participating in the hearings to the point where the therapist said it wasn't going to do any good unless my ex-wife was not present; it was just the children or myself and the children. And she wouldn't -- my ex-wife would not bring the kids to the counseling sessions, nor would she allow me to take the kids to the counseling sessions even if it was on my prescribed visitation date and time.

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Q. Okay. And between 2010, when those appointments for your children ceased, and when you started seeing the therapist in connection with the lasting effects of your termination, you, you know, didn't have any, you know, mental health treatment in between that time?

A. I did not.

I did find another counselor and got a court order for my children to see a new counselor, and so I took them a few times.

Q. But those weren't appointments for yourself?

A. They were not for myself, no.

MS. MARZOTTO TAYLOR: Okay. No further questions.

MS. BALIAN: I have a couple follow-up questions.

* * *

RE-EXAMINATION

BY MS. BALIAN:

Q. You indicated that Exhibit 8, which it the memo -- April 26, 2016 memo that you issued -- let me just clarify what it is.

The "Melvindale Police Department, Office of the Chief of Police, Departmental Communication." It's to Matthew Furman from you. It was issued as a result of the violation of the rules and regulations of Matt Furman.

What rule and regulation did Matt Furman violate?

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A. For that specific incident, I don't recall. I'd have to look at my notes from that investigation.

Q. Where would those notes be kept?

A. Those notes should have been in his -- Corporal Furman's personnel file under "Discipline." And if they're not there, they may be in the "Complaint Against Officer" file in the chief's conference room in the short filing cabinet, right-hand side, second drawer from the top.

Q. And you're saying that this exhibit was issued as a result of various citizen complaints against Officer Furman; is that correct?

A. No.

Q. Okay. How am I incorrect?

A. It was one specific citizen complaint. It was not the totality of all his complaints. This is from one specific incident.

Q. Okay. And if you remember, was it the specific incident for which you suspended him in March of 2016?

Or maybe the complaint was received in March of 2016, and you suspended him soon thereafter related to a tow of a female's vehicle?

A. I don't understand the question.

Q. Okay. You're saying it was related to one specific incident; correct?

A. Yes.

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Q. Okay.

A. I believe so.

Q. And did you suspend him for that one specific incident?

A. Yes.

Q. Okay.

A. Three days.

Q. Okay. And for that one specific incident, was there something wrong with him pulling over the vehicle that was related to the person's age or gender?

A. I don't recall that specific incident. Like I said, I would have to see my notes and the citizen -- read the citizen complaint.

Q. Okay. Do you remember if the person was refusing to get out of their vehicle once the person had been issued the ticket and the tow truck was there to tow the person's vehicle?

MS. MARZOTTO TAYLOR: He already testified he doesn't recall.

A. I don't recall. I'd have to see my notes.

BY MS. BALIAN:

Q. Okay. If that was the case -- let's just say a scenario.

Officer Furman has issued a ticket which is resulting in the towing of the vehicle, whether it is improper plates, no insurance on the vehicle, whatever

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it may be. He directs the person to get out of the car.
The person says, "I'm not. I'm not getting out of this car."
Do you think that's improper of the person to refuse the police officer's directive to get out of the car?
MS. MARZOTTO TAYLOR: I'm going to place an objection. That calls for speculation and also --
MS. BALIAN: I'm asking for his opinion. It's no specific -- it's just a scenario a police officer may be in.
MS. MARZOTTO TAYLOR: It's a complete hypothetical.
Are you asking him based on police department rules and regulations that you can refer him to?
MS. BALIAN: I'm asking him based upon his experience as a police officer.
MS. MARZOTTO TAYLOR: My objection is that this calls for speculation. It's a hypothetical scenario.
You can answer.
BY MS. BALIAN:
Q. Is it -- you can answer.
MS. MARZOTTO TAYLOR: If you can, Chad, to the best of your ability.
A. Every traffic stop is different, and I would have to have been the officer there and listen and observe the

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person and their demeanor and what they were asking for, you know, the time of day, the weather. There are --
BY MS. BALIAN:
Q. It's perfectly sunny.
A. -- lots of factors.
Q. Perfectly sunny out, busy road, though, a four-lane road, and the person is refusing to get out of the vehicle once they've been issued the ticket --
MS. MARZOTTO TAYLOR: Is there a question?
BY MS. BALIAN:
Q. -- because they don't want to get out.
Is that improper of the person to refuse the police officer's directive to get out of the vehicle?
A. It is.
MS. MARZOTTO TAYLOR: Calls for speculation.
BY MS. BALIAN:
Q. Regardless if they have children in the car or not; correct?
Because the statute doesn't care if you have kids in the car; right?
MS. MARZOTTO TAYLOR: Calls for speculation, and you're asking him what the contents are of a hypothetical statute that you have not referred us to.
BY MS. BALIAN:
Q. Improper plates.

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MS. MARZOTTO TAYLOR: Is there a particular statute or code that you'd like to refer him to?
MS. BALIAN: Well, if you don't know the law, that's your problem. He knows the law and I know the law.
BY MS. BALIAN:
Q. So, they're being issued a ticket for an improper plate, which allows for the impounding of the vehicle.
So, regardless, if the person has children in the car or not, that statute doesn't care; isn't that correct, Mr. Hayse?
MS. MARZOTTO TAYLOR: So, I'm going to place an objection that you're quizzing him about the contents of a statute that you like haven't provided him.
MS. BALIAN: Well, I can provide it. That's fine.
MS. MARZOTTO TAYLOR: And you're giving a hypothetical scenario that calls for him to speculate.
BY MS. BALIAN:
Q. I'm showing you MCL 257.255. If you look at subsection (3), is there anything in subsection (3) which allows -- which that section allows for the impoundment of the vehicle.
Is there anything in that section which indicates that the vehicle can't be impounded if there are children in the vehicle?

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MS. MARZOTTO TAYLOR: So, read the entire section.
And while you're doing that, I'm going to place an objection that, you know, you're asking him for a legal conclusion, to interpret this statute, and the question is improper because it calls for a legal conclusion.
BY MS. BALIAN:
Q. Let me ask it this way: Did you ever write tickets for improper registration/plate when you were a police officer?
MS. MARZOTTO TAYLOR: So, are you still referring to this document or no?
MS. BALIAN: I'm just asking if he ever wrote this kind of ticket when he was a police officer.
MS. MARZOTTO TAYLOR: So, does the question relate to this document?
MS. BALIAN: I'm asking generally if he ever wrote tickets for improper plate when he was a police officer.
MS. MARZOTTO TAYLOR: Pursuant to this statute right here?
MS. BALIAN: Sure. Or improper registration, not having a valid registration.
It all falls under the same statute.
MS. MARZOTTO TAYLOR: Well, you listed a couple different criteria here, so I want to make sure that he understands the question.

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A. If you're asking me if I have ever written a violation for no registration on person, I have.
If you're asking me if I've written a violation for an improper plate on a motor vehicle, I have.
BY MS. BALIAN:
Q. Okay. Have you impounded vehicles?
A. I have.
Q. Okay. Pursuant to not having a valid registration/plate as required?
MS. MARZOTTO TAYLOR: Already answered.
A. I have.
BY MS. BALIAN:
Q. Okay. And do you agree that subseciton (3) does not have any reference as to whether children are in the car are not?
MS. MARZOTTO TAYLOR: So, we'll stipulate to the document speaking for itself. The words are what the words are.
BY MS. BALIAN:
Q. Do you agree with that, Mr. Hayse?
A. I would agree children are not mentioned.
Q. Nor is gender or age; correct?
A. I don't believe so.
MS. MARZOTTO TAYLOR: The document speaks for itself.

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BY MS. BALIAN:
Q. You invited the press to your removal hearing; correct?
MS. MARZOTTO TAYLOR: Relevance.
A. I did inform the press of the hearing, yes.
BY MS. BALIAN:
Q. Okay. And your attorney has contacted the press relative to this lawsuit; correct?
MS. MARZOTTO TAYLOR: Relevance again.
MS. BALIAN: Well, he's claiming he's very much damaged because of all this. He can't even walk out to the mailbox.
He's inviting the press to know about all of it.
BY MS. BALIAN:
Q. So, if you're so damaged by it, why do you keep going to the press and informing them?
MS. MARZOTTO TAYLOR: Okay. You're argumentative and hostile.
MS. BALIAN: I'm asking that question.
A. I don't know whether my attorney contacted the press or the press contact my attorney.
I invited the press because I wanted them to know how the City of Melvindale was spending their tax dollars. I thought it was important.
BY MS. BALIAN:
Q. Okay. And you don't know whether your attorney

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contacted the press or the press contacted the attorney?
MS. MARZOTTO TAYLOR: He already answered that question. He just stated that.
MS. BALIAN: I can't hear him over your talking.
Did you have an objection, or are you just talking?
MS. MARZOTTO TAYLOR: Yes. I have an objection that you already asked that question, and he's already answered it.
MS. BALIAN: Okay.
MS. MARZOTTO TAYLOR: Go ahead, Chad.
BY MS. BALIAN:
Q. Did you ask your attorney to contact the press?
MS. MARZOTTO TAYLOR: Asked and answered.
MS. BALIAN: He didn't answer that.
A. I don't know whether my attorney contacted the press or the press contacted my attorney.
BY MS. BALIAN:
Q. I asked did you ask her to.
A. No, I did not.
MS. MARZOTTO TAYLOR: Chad, you don't have to testify about what you asked your attorney or what your attorney said to you.
(Discussion held off the record.)
BY MS. BALIAN:
Q. You testified that there was -- as to the quota, that

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there was at barrage by the city administrator and mayor, I believe you said the Public Safety Commission and the city council about --
(Discussion held off the record.)
BY MS. BALIAN:
Q. -- about the number of tickets being issued regarding tows.
What evidence do you have of that?
A. I don't believe I said the number of tickets or tows. Those are separate instances.
Q. The number of vehicles being towed.
A. Correct.
Q. What evidence do you have of that?
A. I think if you go back and listen to the recordings from the city council meeting and the Public Safety Commission meetings, you will hear various City officials asking me regarding the number of tows on a number of occasions, including Mr. Coogan.
Q. Okay. And what time period are you talking about?
A. It would have been in 2016, I believe.
Q. What time period in 2016?
A. I'm going to guess March or April, up until I was suspended.
Q. And would you agree that if there was information that you had been telling officers not to tow vehicles, that

there's going to be a concern by the City about this and they may be asking you questions about it?
A. Yes.
MS. MARZOTTO TAYLOR: Calls for speculation.
A. The issue I have is that that information accusing me of telling officers not to tow vehicles didn't come up until the Amended Formal Complaint and the hearing.
Prior to that, not one officer came forward to any person that I know and said that I told them not to tow cars because it's not true.
BY MS. BALIAN:
Q. That you know of?
A. Because it's not true.
Q. And the investigation was not done until August of 2016 --
MS. MARZOTTO TAYLOR: Is there --
BY MS. BALIAN:
Q. -- correct?
MS. MARZOTTO TAYLOR: -- a question?
MS. BALIAN: If you want to let me get it out.
BY MS. BALIAN:
Q. Correct?
A. I don't know when they completed that investigation.
Q. Okay.
(Discussion held off the record.)

BY MS. BALIAN:
Q. If your intent was to terminate Officer Furman, why didn't you write up the termination and put it in the file?
A. I wrote up a number of notes and violations of the rules and regs and policy and procedure, and I requested to meet with the city attorney, and he told me a date and time to call him. I called him, and he said he was not available. That was the Friday before I was suspended.
Q. My question was, why didn't you write up the termination?
A. Because I was waiting to get legal advice from corporation counsel whether to use the discipline form that's referenced or we're going to a trial board, which would be a different set of documents, a different set of forms, like the Amended Complaint given to me. So, I wanted to know which path I needed to go down.
Q. So, if you had used the discipline form that we've already marked as an exhibit in March when you suspended him, why wouldn't you use it again in July when you suspended him?
A. Because if we were going to a trial board, it's a different set of rules.
Q. But you chose to suspend him.
So, why not use it again?

A. Because I was waiting to hear from corporation counsel.
Q. But you moved forward with the suspension.
So, why not use it again?
MS. MARZOTTO TAYLOR: Okay. So, I'm sorry you don't like his answer, but you can't just keep asking him the same question over and over again. This question has been asked by you repeatedly throughout the day today, and Chad has answered it.
So, if you have a different question that you'd like to ask, by all means.
BY MS. BALIAN:
Q. I understand you were waiting for the answer, but the fact of the matter is you moved forward without the answer with the suspension but didn't use the form.
So, what's the difference between March and July?
You're only talking about a few months later, and you didn't follow the same policy.
A. Because --
Q. So, why?
A. Because I was recommending termination for Corporal Furman, and if I was going to do termination and they wanted to use the trial board, the trial board has a different set of rules. So, I wanted to know which set of rules I was supposed to follow because I can't do them both. So, I was waiting for legal advice.

MS. BALIAN: Okay. Anything else?
MR. COOGAN: I don't have anything.
MS. BALIAN: I don't have anything further.
MS. MARZOTTO TAYLOR: Great.
MS. BALIAN: Any questions?
MS. MARZOTTO TAYLOR: No.
MS. BALIAN: Good.
(Deposition concluded at 2:33 p.m.)
* * *

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

CERTIFICATE OF NOTARY PUBLIC

I do hereby certify that the witness, whose attached testimony was taken in the above matter, was first duly sworn to tell the truth; the testimony contained herein was reduced to writing in the presence of the witness by means of stenography; afterwards transcribed; and is a true and complete transcript of the testimony given.

I further certify that I am not connected by blood or marriage with any of the parties; their attorneys or agents; and that I am not interested, directly or indirectly, in the matter of controversy.

In witness whereof, I have hereunto set my hand this day at Highland, Michigan, County of Oakland, State of Michigan on Wednesday, February 14, 2018.

John J. Slatin, RPR, CSR-5180
Certified Shorthand Reporter
Notary Public, Oakland County, Michigan
My commission expires: July 25, 2023